

EXHIBIT 4

**Memorandum from Chief of Police Carmen Best to
City Attorney Peter Holmes**

SEATTLE POLICE DEPARTMENT MEMORANDUM

TO: Pete Holmes, City Attorney DATE: July 15, 2020

FROM: Carmen Best, Chief of Police

SUBJECT: Council Bill 119805, an Ordinance relating to the Seattle Police Department; banning the ownership, purchase, rent, storage, or use of crowd control weapons

On June 15, 2020, without any engagement of the Seattle Police Department, Seattle City Council unanimously passed a short but sweeping bill that places an unconditional prohibition on the purchase, ownership, storage, and – with limited exception – use of certain less-lethal tools. Falling under this prohibition, and of particular impact on SPD policies and training developed under the Consent Decree, are chemical tools such as oleoresin capsicum (OC, or pepper spray), blast balls, and kinetic impact tools such as SPD’s recently acquired 40 mm launchers (blue-nose foam rounds). While by its title the Ordinance suggests applicability only to crowd management situations, the actual text – through its blanket ban on the purchase or ownership of these tools – effectively strips from SPD’s court-approved “toolkit,” across the spectrum of SPD operations, less-lethal options that at their core are designed and intended to facilitate safe, effective, and constitutional policing. They do so not only by affording opportunity to create greater time, distance, and cover – the foundational tenets of our de-escalation policy and training – but by providing officers, in those empirically rare instances where some force is necessary to achieve a law enforcement objective, with a continuum of options to ensure that force used is both objectively reasonable and proportional to the threat or urgency of the situation. Simply put, while no use of force is ever desired, and certainly no use of force is pretty, the reality is that the availability of these tools – as can be empirically demonstrated – leads to less risk of injury and fewer applications of greater levels of force.

SPD acknowledges and understands the raw emotion around events of the past two months and the force of these events in driving Council’s sense of urgency. This memo is in no way intended to minimize vocal and valid community concerns around the tools in question – indeed, the concerns we’ve heard are ones that were likewise raised, well-researched, and well-debated at the time that policies and training specific to these tools were painstakingly developed. Nor is this memo intended to suggest that policies around the use of these tools should not now be revisited; as with any significant event, lessons learned will and should serve to guide policy, training, and next best practices. Strengthening SPD’s capacity as a learning organization, capable of critically assessing its operations and driving towards iterative and continuing reform, was after all a central purpose of the Consent Decree.

But there is a process in place by which such policies are to be examined, which SPD honors, and by which SPD remains bound. We have shared our serious concerns that Council’s haste to act not only completely undermines the accountability processes that Council itself codified, but stands in stark contrast to the City’s overall obligations under the Consent Decree. This latter concern is one that is best addressed by those who represent the parties to that action, but that should not preclude us from highlighting our own

concern as the organization that has worked under the Consent Decree for nearly a decade. It is because we know too well the serious downstream implications of poorly-thought through policy on training, investigation, review, and ultimately processes underlying individual and systemic accountability that we know that good policy cannot be decided in an echo chamber; meaningful reform takes time, research, authentic engagement, and importantly, a commitment to intellectual honesty above political gain.¹ For these reasons, I am compelled to note the following overarching concerns with Council Bill 119805.

- First, by acting in haste, sidestepping obligations that are binding on the City under the Consent Decree for the development and implementation of policies in areas that remain under federal oversight, Council has placed SPD officers, foreseeably, in the Gordian knot of either violating city law, backsliding on their commitments under the Consent Decree, or simply abandoning legitimate law enforcement objectives and service to the community for lack of appropriate, and previously approved, tools. While as a pure matter of law our obligations under the Consent Decree take primacy over City code, I submit it is fundamentally unfair to put officers in the position where, in order to hold true to one set of obligations, they may foreseeably violate another.
- Second, no one policy stands in a vacuum. SPD policies, especially those developed under the Consent Decree, are intended to be read, construed, and trained in conjunction with other sections. Banning the procurement, ownership, or use of less-lethal tools requires not only substantial revision of the crowd management policy (in form that, as the legislation itself acknowledges, may call upon on best practices not yet identified or developed) and training to that policy, but substantive deletions or revisions to other court-approved policies as well. By way of example, I have attached to this memo – as indicative of the work that will lie ahead – highlighted sections of the crowd management policy (14.090), the use of force policies, collectively (8.000-8.500), and the crisis intervention policy (16.110) that will need to be deconflicted with the legislation, should it become effective, yet revised in form that remains consistent with the foundational principles and core requirements of the Consent Decree. Particularly when we are facing the dire budget cuts that Council has signaled, our ability to dedicate significant time to such revisions, let alone the training that would be required, may for all intents and purposes be an impossibility.
- Finally, it should be noted that the vast majority of uses of less-lethal tools are not in crowd management situations, but rather in the (fortunately) relatively few, but not unusual, volatile

¹ Contrast, for example, this legislative action with the process articulated by the Monitor in submitting SPD's Use of Force policies – those now substantively impacted through the Council bill at issue – and certifying that the policies meet the requirements of the Consent Decree:

After 15 or more marathon negotiating sessions facilitated by the Monitor between the parties to this litigation— the United States, represented by the Department of Justice (DOJ), and the City of Seattle, represented by the City Attorney (Parties); after the exchange of 10 or more drafts and partial drafts; after many conference calls, telephone conversations, and meetings between and among the Parties and with the Monitor; after the Parties reached consensus in August 2013 and the Monitor published the use of force policies for comment; and after nearly four months in which the Monitor and the Monitoring Team performed independent research and received and considered recommendations, including those of the community, the Community Police Commission, the two police unions, and others, the Monitor hereby submits the consensus Seattle Police Department (SPD) Use of Force policies[.]

situations that officers may encounter (that SWAT, for example, may predictably encounter). Consistent with use of force training, officers often depend on the *availability* of these tools – much less frequently their actual use – to increase distance, affording greater opportunity to attempt to de-escalate volatile and dynamic situations, with the goal of encouraging voluntary compliance. Whereas the baton (an impact tool still authorized, but rarely used) allows for an effective distance of only three feet, for example, OC spray (now banned) allows for a distance of upwards of twelve feet, and the 40-mm launcher (also banned) allows for distance of upwards of 100 feet. Left only with the options of a baton, a Taser (effective distance of approximately 7-12 feet), and an officer's body, the likelihood of greater injury – to both officer and subject in those (again) empirically rare but foreseeable situations where some level of force is necessary – should be patent and concerning. And the notion that, somehow, persons will not act in volatile or violent manner but for the response of police is, simply, naïve.

I offer this memo simply to highlight the untenable position that this legislation places SPD in with respect to its obligations under the Consent Decree. Again, that is not to suggest that there are not revisions that are warranted, but an honest effort at those revisions will take time, commitment, and thought that is informed by the thorough reviews set in place through the Consent Decree, the Accountability Ordinance, and the community-based sentinel event review the IG has proposed, and which we support. I note also the work of the Center for Policing Equity, which upon my request has provided its independent assessment of SPD's policy and offered good recommendations. In short, there will be ample opportunity to meaningfully advance SPD policies, training, and practices around crowd management, use of force, and less-lethal tools, but legislation issued without diverse stakeholder input, research, or engagement is anathema to every foundational principle of reform.

I understand that you intend to provide notice of this legislation to the Court this week. I also understand that the Department of Justice has advised of potential conflicts with the Consent Decree (around the implementation if not the substance). I do not believe, however, that there is a formal request of the Court to enjoin the legislation until such time as the protocols for policy development and approval have gone through the mandated process. If City Council is not willing, on its own initiative, to honor the commitments the City is bound to under the Consent Decree and amend the legislation to condition the effective date of the ordinance on Court approval, I am writing to express my own position that the legislation should be enjoined until such time as these obligations under the Consent Decree have been satisfied. Where the legislation itself calls upon OPA, the OIG, and the CPC to examine SPD's crowd management policies and training, and suggests that the Ordinance may be subject to amendment following such review, rushing into place a law that is admittedly poorly informed seems counter to principles of good governance.

It is with no small twinge of sadness that those of us who have worked so hard over the past eight years to not only achieve, but sustain, compliance with all core requirements of the Consent Decree note the irony we now face: while SPD has done all it can to ensure through policy, training, and structural systems for review and accountability that the reforms achieved remain "baked in" to the Department's DNA – such that like an egg, as the Monitor has analogized, they cannot, be unscrambled – it is Council action and budget narrative alone over the past few weeks that demonstrates how quickly reforms and progress lauded only weeks ago can be undone by legislation driven by politics and raw emotion. Wherever any of us find ourselves in future days, this should serve as a stark caution of how fragile a City's commitment to police reform can be, even with the best efforts of the police behind it.

RED HIGHLIGHTS INDICATE WHAT NEEDS TO BE DELETED AND TO A LESSER EXTENT MODIFIED.

YELLOW HIGHLIGHTS ARE SIMPLY TO INDICATE CRUCIAL AREAS IMPACTED BY ORDINANCE.

8.000 - Use of Force Core Principles

Effective Date:09/15/2019

This section outlines the Seattle Police Department's core principles relating to the use of force. These general core principles provide the foundation for the more specific policies governing the application, reporting, investigation and review of force. The Department recognizes that officers will face unique and challenging circumstances not specifically addressed in this policy. Officers are expected to apply these core principles reasonably in unanticipated situations.

1. Every Member of the Seattle Police Department is Committed to Upholding the Constitution, Laws of the United States, Laws of the State of Washington, and Defending the Civil Rights and Dignity of All Individuals, While Protecting All Human Life and Property and Maintaining Civil Order

It is the policy of the Seattle Police Department to accomplish the police mission with the cooperation of the public and as effectively as possible, and with minimal reliance upon the use of physical force.

The community expects and the Seattle Police Department requires that officers use only the force necessary to perform their duties and that such force be proportional to the threat or resistance of the subject under the circumstances.

An officer's commitment to public safety includes the welfare of members of the public, the officer, and fellow officers, with an emphasis on respect, professionalism, and protection of human life, even when force is necessary.

Officers who violate those values by using objectively unreasonable force degrade the confidence of the community, violate the rights of individuals upon whom unreasonable force is used, and may expose the Department and fellow officers to legal and physical hazards.

Conversely, officers who fail to use timely and adequate force when it is necessary may endanger themselves, the community and fellow officers.

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2. When Safe, Under the Totality of the Circumstances, and Time and Circumstances Permit, Officers Shall Use De-Escalation Tactics to Reduce the Need for Force

Additional guidance on how to reduce the need to use force may be found in [8.100](#).

3. Sometimes the Use of Force Is Unavoidable, and an Officer Must Exercise Physical Control of a Violent, Assaultive, or Resistive Individual to Make an Arrest, or to Protect Members of the Public and Officers from Risk of Harm

In doing so:

- Officers should recognize that their conduct prior to the use of force, including the display of a weapon, may be a factor which can influence the level of force necessary in a given situation.

Additional guidance on how to reduce the need to use force may be found in [8.100](#).

- Officers should take reasonable care that their actions do not precipitate an unnecessary, unreasonable, or disproportionate use of force, by placing themselves or others in jeopardy.

- Officers should continually assess the situation and changing circumstances, and modulate the use- of-force appropriately.

4. An Officer Shall Use Only Force That Is Objectively Reasonable, Necessary, and Proportional to the Threat or Resistance of a Subject

Definitions of [objectively reasonable](#), [necessary](#) and [proportional](#) may be found in [8.050](#).

Guidance on when force is authorized may be found in [8.200](#).

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5. Each Officer Is Responsible for Explaining and Articulating the Specific Facts, and Reasonable Inferences From Those Facts, Which Justify the Officer's Use Of Force

The officer's justification will be reviewed to determine whether or not the force used was in or out of policy.

Failure to adequately document and explain the facts, circumstances, and inferences when reporting force may lead to the conclusion that the force used was out of policy.

Additional guidance on reporting force may be found in [8.400](#).

6. The Department Is Committed to Upholding Lawful, Professional, and Ethical Standards Through Assertive Leadership and Supervision Before, During, and After Every Force Incident

The Seattle Police Department recognizes the magnitude of the responsibility that comes with the constitutional authority to use force. This responsibility includes maintaining vigorous standards and transparent oversight systems to ensure accountability to the community in order to maintain their trust. This includes:

- Force prevention efforts,
- Effective tactics, and
- Objective review and analysis of all incidents of reportable force

Additional guidance on the Department's review of force may be found in [8.500](#).

7. A Strong Partnership Between the Department and the Community Is Essential for Effective Law Enforcement and Public Safety

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Uses of force, even if lawful and proper, can have a damaging effect on the public's perception of the Department and the Department's relationship with the community.

Both the Department and individual officers need to be aware of the negative effects of use-of-force incidents and be empowered to take appropriate action to mitigate these effects, such as:

- Explaining actions to subjects or members of the public, when feasible
- Offering reasonable aid to those affected by a use-of-force
- Treating subjects, witnesses, and bystanders with professionalism and courtesy
- Department follow-up with neighbors or family to explain police actions and hear concerns and feedback
- Department follow-up with the involved officer(s) and support, as needed, throughout the process

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8.050 - Use of Force Definitions

Effective Date: 06/19/2020

An Officer Shall Use Only Force That Is Objectively Reasonable, Necessary, and Proportional to the Threat or Resistance of a Subject:

Objectively Reasonable: The reasonableness of a particular use of force is based on the totality of circumstances known by the officer at the time of the use of force and weighs the actions of the officer against the rights of the subject, in light of the circumstances surrounding the event. It must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.

The calculus of reasonableness must allow for the fact that police officers are often forced to make split-second decisions—in circumstances that are tense, uncertain, dynamic and rapidly evolving—about the amount of force that is necessary in a particular situation.

The reasonableness inquiry in an excessive-force case is an objective one: whether the officers' actions are objectively reasonable in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.

Factors to be considered in determining the objective reasonableness of force include, but are not limited to:

- The seriousness of the crime or suspected offense;
- The level of threat or resistance presented by the subject;
- Whether the subject was posing an immediate threat to officers or a danger to the community;
- The potential for injury to citizens, officers or subjects;

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- The risk or apparent attempt by the subject to escape;
- The conduct of the subject being confronted (as reasonably perceived by the officer at the time);
- The time available to an officer to make a decision;
- The availability of other resources;
- The training and experience of the officer;
- The proximity or access of weapons to the subject;
- Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number of officers versus subjects;
- The environmental factors and/or other exigent circumstances; and
- Whether the subject has any perceived physical disability.

Necessary: "Necessary" means that no reasonably effective alternative to the use of force appeared to exist and that the amount of force used was reasonable to effect the lawful purpose intended.

See [RCW 9A.16.010 – Definitions](#). Necessity is based on the totality of the circumstances known by the officer at the time of the use of force.

Proportional: To be proportional, the level of force applied must reflect the totality of circumstances surrounding the situation at hand, including the nature and immediacy of any threats posed to officers and others. Officers must rely on training, experience, and assessment of the situation to decide an appropriate level of force to be applied. Reasonable and sound judgment will dictate the force option to be employed.

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Proportional force does not require officers to use the same type or amount of force as the subject. The more immediate the threat and the more likely that the threat will result in death or serious physical injury, the greater the level of force that may be proportional, objectively reasonable, and necessary to counter it.

Types of Force:

Force: Any physical coercion by an officer in performance of official duties, including the following types of force:

De Minimis Force: Physical interaction meant to separate, guide, and/or control without the use of control techniques that are intended to or are reasonably likely to cause any pain or injury.

For more guidance on what constitutes de minimis force see [8.400](#).

Examples include:

- Use of control holds or joint manipulation techniques in a manner that does not cause any pain, and are not reasonably likely to cause any pain.
- Using hands or equipment to stop, push back, separate, or escort a person without causing any pain, or in a manner that would reasonably cause any pain.

Handcuff Discomfort: discomfort or minor transient pain caused solely by wearing handcuffs after they have been properly applied.

Type I – Force that causes transitory pain or the complaint of transitory pain.

Examples include:

- Disorientation
- Use of a hobble restraint

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- Deployment of a blast ball away from people (bang-out), or

- Intentionally pointing a firearm at a person

Un-holstering or displaying a firearm without intentionally pointing it at a person, including the sul and low-ready positions, or simply displaying any weapon, is not a reportable use of force. For further guidance, see [8.400](#).

Type II – Force that causes or is reasonably expected to cause physical injury greater than transitory pain but less than great or substantial bodily harm.

The use of any of the following weapons or instruments is a Type II:

- TASER

- OC spray

- Impact weapon

- Deployment of a canine or vehicle, and

- Deployment of stop sticks against a vehicle other than a motorcycle

For further guidance, see [8.400](#).

Type III – Force that causes or is reasonably expected to cause, great bodily harm, substantial bodily harm, loss of consciousness, or death.

The use of the following is a Type III:

- Use of stop sticks on a motorcycle

-Impact weapon strikes to the head

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For further guidance, see [8.400](#).

Deadly Force: The application of force through the use of firearms or any other means reasonably likely to cause death, great bodily harm. For further guidance, see [8.400](#).

When reasonably likely to cause death or Great Bodily Harm, Deadly Force includes:

- Shooting a firearm at a person

- Hard strike to a person's head, neck, or throat with an impact weapon

- Striking a person's head into a hard, fixed object (examples include but are not limited to concrete objects or surfaces, or solid metal structures such as bars or guardrails).

- Using stop-sticks on a moving motorcycle.

Additional guidance on reporting force may be found in [8.400](#)

Reportable Force: All uses of force other than de minimis are reportable. Reportable force includes the intentional pointing of a firearm at a subject, Type I, Type II, Type III, and force used in Crowd Management as described in [14.090](#).

Use of Force: See "Force."

Medical Procedure: Medical interventions and life-saving techniques. Such efforts are not considered force.

De-Escalation:

De-escalation: Taking action to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources are available to resolve the situation. The goal of de-escalation is to gain the voluntary compliance of subjects, when feasible, and thereby reduce or eliminate the necessity to use physical force. See [8.100](#) for further guidance.

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De-escalation Techniques: Actions used by officers, when safe and feasible without compromising law-enforcement priorities, that seek to minimize the likelihood of the need to use force during an incident, and increase the likelihood of gaining voluntary compliance from a subject. See [8.100](#) for examples of de-escalation tactics and techniques.

Injury Classifications:

Physical or Bodily Injury (also “Injury”): Physical pain or injury, illness, or an impairment of physical condition greater than transitory pain but less than great or substantial bodily harm. ([SMC 12A.02.150](#), [RCW 9A.04.110](#))

Substantial Bodily Harm ([RCW 9A.04.110](#)): Bodily injury which involves:

- Temporary but substantial disfigurement
- Temporary but substantial loss or impairment of the function of any bodily part or organ
- Fracture of any bodily part

Great Bodily Harm ([RCW 9A.04.110](#)): *Synonymous with Serious Physical Injury*

Bodily injury which either:

- Creates a probability of death
- Causes significant serious permanent disfigurement
- Causes a significant permanent loss or impairment of the function of any bodily part or organ

Force Investigation Terms:

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FIT (Force Investigation Team): The Department personnel tasked with conducting Type III use-of-force investigations, to include investigations of officer-involved shootings.

Involved Officer: An "Involved Officer" in regard to this policy chapter, is a sworn officer of any rank or assignment who uses reportable force as defined by Department Policy either on-duty or off-duty.

Public Safety Statement (PSS): A "Public Safety Statement" is a compelled statement in which a supervisor (typically a Sergeant or Acting Sergeant) orders an "Involved Officer" to answer standardized questions directly related to an "Involved Officer's" use of force. The cards with the standardized questions that officers use to take the statement are also called a PSS.

The Seattle Police Department utilizes two different Public Safety Statements:

- Public Safety Statement Officer Involved Shooting Card
- Use of Force Public Safety Statement Card

Witness Officer: A "Witness Officer" in regard to this policy chapter, is a sworn officer of any rank or assignment who witnesses an officer's use of force, but who does not use reportable force himself/herself.

Head and Neck:

Head Control: A trained technique utilized to control the movement of a subject's head or neck that does not involve a neck or carotid restraints.

Neck Restraint (Prohibited): Any technique involving the use of an arm or other firm object to attempt to control or disable a subject by applying pressure against the windpipe, or the frontal area of the neck with the purpose or intent or effect of controlling a subject's movement or rendering a subject unconscious by blocking the passage of air through the windpipe.

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Carotid Restraint (Prohibited): Any technique which is applied in an effort to control or disable a subject by applying pressure to the carotid artery, the jugular vein, or the sides of the neck with the purpose or intent or effect of controlling a subject's movement or rendering a subject unconscious by constricting the flow of blood to and from the brain.

Canine Terms:

For terms specifically related to canine operations see [8.300 - Use of Force Tools - Patrol Canines](#)

Vehicle Tactics:

PIT (Pursuit Intervention Technique): A controlled and trained forced rotational stop of a non-compliant suspect vehicle used to reduce the risks in bringing a pursuit to a conclusion. PIT is always a use of force.

Ramming: The intentional use of a vehicle to strike another vehicle for the purpose of interrupting or incapacitating that vehicle. Ramming is always a use of force.

Roadblock: The intentional positioning of a police vehicle to obstruct the flow of traffic. A roadblock used on a fleeing or eluding vehicle is considered a use of force – the classification of force depends on the totality of the circumstances. Roadblocks used as force require approval of a lieutenant or above. Approval will be based on the severity of the crime and potential harm to occupants of the vehicle and the public.

Vehicle-to-Vehicle Contact: Contact between vehicles designed to guide or prevent movement of a vehicle, but without significant impact (ramming) and reasonably unlikely to cause injury.

Weapons:

Approved Weapon: A tool used to apply force that is both specified and authorized by the Department.

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Approved Use of a Weapon: Use of an approved weapon by an officer who has been properly trained and certified in the use of that weapon.

Impact Weapon: Any object, whether a tool or fixed object (such as a hard surface), that is used to interrupt or incapacitate a subject and is capable of causing serious physical injury.

Improvised Weapon: Any untrained object used in a force application

Less-Lethal Tools: Devices designed and intended to apply force not intended nor likely to cause the death of the subject or Great Bodily Harm. For the intended purpose of Less Lethal Tools see [8.300 \(2\)](#). Examples include: TASER, impact weapons, OC spray, blast balls.

Spark Display: A non-contact demonstration of a TASER's arcing ability to discharge electricity.

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8.100 - De-Escalation

Effective Date: 09/15/2019

De-escalation may take the form of scene management, team tactics, and/or individual engagement. Even when individual engagement is not feasible, de-escalation techniques including scene management and team tactics such as time, distance, and shielding, should still be used unless doing so would create undue risk of harm to any person due to the exigency/threat of a situation.

De-escalation tactics and techniques are actions used by officers, when safe and feasible without compromising law enforcement priorities, that seek to minimize the likelihood of the need to use force during an incident and increase the likelihood of voluntary compliance. See definition of de-escalation in 8.050.

When safe and feasible under the totality of the circumstances, officers shall attempt to slow down or stabilize the situation so that more time, options and resources are available for incident resolution.

The overall goal of this policy is to promote thoughtful resolutions to situations and to reduce the likelihood of harm to all persons involved. De-escalation is reviewed and evaluated under the totality of the circumstances present at the time of the incident.

1. When Safe, Feasible, and Without Compromising Law Enforcement Priorities, Officers Shall Use De-Escalation Tactics in Order to Reduce the Need for Force.

(a). Officers shall conduct a threat assessment so as not to precipitate an unnecessary, unreasonable, or disproportionate use of force by placing themselves or others in undue jeopardy.

(b). Team approaches to de-escalation are encouraged and should consider officer training and skill level, number of officers, and whether any officer has successfully established rapport with the subject. Where officers use a team approach to de-

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escalation, each individual officer's obligation to de-escalate will be satisfied as long as the officer's actions complement the overall approach.

(c). Selection of de-escalation options should be guided by the totality of the circumstances with the goal of attaining voluntary compliance; considerations include:

-Communication

Using communication intended to gain voluntary compliance, such as:

- Verbal persuasion
- Advisements and warnings (including TASER spark display to explain/warn prior to TASER application), given in a calm and explanatory manner.

Exception: Warnings given as a threat of force are not considered part of de-escalation.

- Clear instructions
- Using verbal techniques, such as Listen and Explain with Equity and Dignity (LEED) to calm an agitated subject and promote rational decision making
- Avoiding language, such as taunting or insults, that could escalate the incident

Considering whether any lack of compliance is a deliberate attempt to resist rather than an inability to comply based on factors including, but not limited to:

- Medical conditions
- Mental impairment
- Developmental disability

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- Physical limitation
- Language barrier
- Drug interaction
- Behavioral crisis
- Fear or anxiety

-Time

Attempt to slow down or stabilize the situation so that more time, options and resources are available for incident resolution.

- Scene stabilization assists in transitioning incidents from dynamic to static by limiting access to unsecured areas, limiting mobility and preventing the introduction of non-involved community members
- Avoiding or minimizing physical confrontation, unless necessary (for example, to protect someone, or stop dangerous behavior)

- Calling extra resources or officers to assist, such as CIT or Less-Lethal Certified officers

-Distance

Maximizing tactical advantage by increasing distance to allow for greater reaction time.

-Shielding

Utilizing cover and concealment for tactical advantage, such as:

- Placing barriers between an uncooperative subject and officers

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- Using natural barriers in the immediate environment

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8.200 - Using Force

Effective Date: 06/19/2020

1. Use of Force: When Authorized

An officer shall use only the force objectively reasonable, necessary, and proportional to effectively bring an incident or person under control, while protecting the life and safety of all persons.

In other words, officers shall only use objectively reasonable force, proportional to the threat or urgency of the situation, when necessary, to achieve a law-enforcement objective. The force used must comply with federal and state law and Seattle Police Department policies, and rules for specific weapons and tools. See **8.300 - Use of Force Tools**. Once it is safe to do so and the threat has ended, the force must stop.

Use of Force Core Principles

Objectively Reasonable defined

Necessary defined

Proportional defined

2. Use of Force: When Prohibited

- Officers are prohibited from using neck and carotid restraints in all circumstances
- An officer will not use force to punish or retaliate
- An officer will not use force against individuals who only verbally confront them unless the vocalization impedes a legitimate law enforcement function (See **5.160 – Observation of Officers**).

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YELLOW HIGHLIGHTS ARE SIMPLY TO INDICATE CRUCIAL AREAS IMPACTED BY ORDINANCE.

- An officer will not use force to stop a subject from swallowing a substance that is already in their mouth; however:
- Officers may use reasonable force, not including hands to the neck or insertion of any objects or hands into a subject's mouth, to **prevent** a suspect from putting a substance in their mouth
- In the event that an officer reasonably believes that a suspect has ingested a harmful substance, officers shall summon medical assistance as soon as feasible.
- An officer may not use force to extract a substance or item from inside the body of a suspect.

Exception: This prohibition does not apply when force is necessary to facilitate a forensic blood draw. In that situation, officers will document any use of reportable force.

3. Officers Should Assess and Modulate the Use-Of-Force as Resistance Changes

For example, as resistance decreases, the use of force may decrease.

4. Use of Deadly Force

Deadly force may only be used in circumstances where a threat of death or serious physical injury to the officer or others is imminent. A danger is imminent when an objectively reasonable officer would believe that:

- A suspect is acting or threatening to cause death or serious physical injury to the officer or others; and
- The suspect has the means or instrumentalities to do so; and
- The suspect has the opportunity and ability to use the means or instrumentalities to cause death or serious physical injury.

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See also **8.050 – Deadly Force**

5. Deadly Force May Be Used to Prevent the Escape of a Fleeing Suspect Only When an Objectively Reasonable Officer Would Believe That it Is Necessary and That There is Probable Cause That:

- The suspect has committed or is in the process of committing a felony involving the infliction or threatened infliction of serious physical injury or death; and
- The escape of the suspect would pose an imminent danger of death or serious physical injury to the officer or to another person unless the suspect is apprehended without delay; and
- The officer has given a verbal warning to the suspect, if time, safety, and circumstances permit.

6. Officers May Only Use Force on Restrained Subjects When Objectively Reasonable, Necessary, and Proportional

Officers may only use objectively reasonable, necessary and proportional force on restrained subjects (e.g. including handcuffed or contained in a law enforcement vehicle).

Officers may use objectively reasonable, necessary and proportional force to get subjects into or out of a law enforcement vehicle only after reasonable attempts to gain voluntary compliance have failed. When feasible, officers shall obtain supervisor approval prior to using force to remove a subject from a Department vehicle.

Officers may only use force on restrained subjects that would foreseeably result in a Type II or Type III investigation under exceptional circumstances when the subject's actions must be immediately stopped to prevent injury, escape, or destruction of property. All such force shall be closely and critically reviewed.

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The investigating supervisor will consult with FIT regarding the classification of force used on restrained subjects when such force is not easily identifiable as de minimis or Type I.

7. Recognizing the Urgency of Providing Medical Aid and the Importance of Preserving Human Life, Following a Use-of-Force, Officers Will Evaluate the Subject for Injuries, Request Medical Aid if Needed or if Requested By Anyone, and Render Appropriate Medical Aid Within Their Training as Soon as Reasonably Possible

When safe and feasible, officers will request a medical aid response for any apparent injury, complaint of injury, or sign of medical distress for subjects and others even if the aid is declined. Officers will closely monitor subjects taken into custody.

After requesting a medical aid response, officers will render aid within the scope of their training unless aid is declined. Certified EMT officers should be given priority to render care, when feasible. Consent should be assumed for unconscious subjects or subjects incapable of providing consent.

Exception: A call for medical aid is not required for apparent injuries that can be treated by basic first aid (e.g. minor cuts and abrasions).

Absent exigent circumstances, prone subjects will be placed on their side in the recovery position or assisted to an upright position as soon as safe and feasible. Officers shall not restrain subjects who are in custody and under control in a manner that restricts the subject's ability to breathe.

8. Officers Shall Automatically Request Medical Aid in Certain Situations

Every Type III use-of-force.

The following less-lethal incidents:

- TASER applications

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- 40 mm LL Launcher applications

After any use-of-force greater than Type I force on subjects who are reasonably believed or known to be:

- Pregnant
- Pre-adolescent children
- Elderly
- Physically frail or disabled

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8.300 - Use of Force Tools

Effective Date: 06/19/2020

This policy addresses the use and deployment of all force tools that are available to sworn Department employees. The following force options are governed by this policy:

* Patrol Canine

* TASER /Conducted Electrical Weapons (CEW)

* Firearms

* Impact Weapons

* Oleoresin Capsicum (OC) Spray

* Vehicle-Related Force Tactics

* Specialty Unit Weaponry

* Hobble Restraint

* Blast Balls

* 40 mm Less Lethal Launcher

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The Intended Purpose of Less-Lethal Tools

Less-lethal tools are used to interrupt a subject's threatening behavior so that officers may take physical control of the subject with less risk of injury to the subject or officer than posed by greater force applications. Less-lethal tools alone cannot be expected to render a subject harmless.

Support officers should be prepared to take immediate action to exploit the brief opportunity created by the less-lethal tool and take control of the subject if safe to do so.

1. Officers Will Only Carry and Use Tools That Have Been Approved by the Department and That the Officer has Been Properly Trained and Certified to Use; Use of Improvised Weapons May Be Permissible Under Exigent Circumstances

The use of Improvised Weapons, defined in [8.050](#), will be subject to the same standards as approved tools set forth in [8.200](#).

2. Uniformed Officers Are Required to Carry at Least One Less Lethal Tool

Uniformed officers who have been issued a TASER shall carry it.

3. Sergeants and Lieutenants Will Ensure That Each Officer in Their Command is Trained and Certified on the Tools They Carry, as Required

4. Officers Are Prohibited From Using Less-Lethal Tools as a Form of Punishment or for Retaliation

5. Officers Shall Not Use Less-Lethal Tools to Prod or Jab Individuals, to Awaken Unconscious or Intoxicated Individuals, or to Prevent the Destruction of Evidence

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Reasonable efforts to awaken or assess unconscious/unresponsive individuals without Less-Lethal Tools, including trained pain stimuli, are considered a medical procedure, defined in [8.050](#), and not force.

6. Officers Shall Consider Risks to the Subject and Third Parties When Determining Whether to Deploy any Less-Lethal Tools

Officers may only use less-lethal force on subjects who are visibly pregnant, elderly, apparently pre-adolescent, or visibly frail when there is an exigency or an immediate threat to any person.

7. Use of Less-Lethal Tools in the Following Circumstances is Only Permitted in Situations Where There is a Risk of Death or Great Bodily Harm to any Person

- When the subject is in an elevated position where a fall is likely to cause substantial bodily harm or death
- When the subject is in a location where the subject could drown
- When the subject is operating a motor vehicle or motorcycle and the engine is running or is on a bicycle or scooter in-motion
- When an individual is handcuffed or otherwise restrained
- When an individual is fully contained in a police vehicle

8.300 – POL –1 Use of Force – Use of Patrol Canines

1. The Prompt and Proper Utilization of a Trained Canine Team has Proven to be a Valuable Resource in Law Enforcement

- When properly used with strict handler control, a canine team increases the degree of safety to persons within a contained search area, enhances individual officer safety,

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increases the likelihood of subject apprehension, and may reduce the amount of time necessary to conduct a search.

- At the same time, handlers shall make all reasonable effort to avoid unnecessary and unnecessarily injurious bites.
- All canine uses of force shall be objectively reasonable, necessary, and proportional.

2. The Following Terms are Defined According to this Policy:

Apprehension: The arrest, capture, or taking into custody of a person.

Canine Bite: Physical contact, initiated by the canine, between the canine's teeth and a person or animal. This contact does not need to result in broken or punctured skin to be a bite.

Non-Tactical Use of Canine-: The non-aggressive work of a canine when used to find evidence or articles. See [Manual Section 16.300 Patrol Operations - Canines](#) for further guidance.

Canine Deployment: Use of a canine on- or off-lead to search for a subject, to apprehend a subject, or for officer safety.

Canine Handler: A sworn member of the Department who has been certified by the requirements of the Department's canine program.

Canine Team: The combination of a Canine Handler and that Handler's assigned working dog working in tandem.

Direct Apprehension: When a handler commands their dog to bite and hold an individual that the handler has in sight.

Canine Search—Use of a canine to search for a subject. There are two types of Canine Search:

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- **Tracking Search:** A handler deploys a dog to locate a subject who has fled a crime scene. Done on and off lead.

- **Contained Search:** Search for a subject in a contained area, ie. Building or fenced lot, where a subject is reasonably expected to be hiding. Done on and off lead.

Canine Use of Force: Canine bite or injury caused by physical contact between a canine and a subject that occurs:

- During a Canine Search, or

- During a Direct Apprehension.

Accidental Canine Bite or Injury: Canine bite or injury caused by physical contact with a canine that occurs:

- When the handler has given no command to search or apprehend; or

- When the handler gives the command to search or apprehend a subject, but the canine engages the wrong person.

Containment—The establishment of a visual perimeter intended to curtail a subject's escape from a defined search area or structure. Containment requires at least two officers positioned at diagonally opposite corners of the search area but is far more effective with at least four officers.

3. Canine Deployments Shall Be Limited to the Following Situations:

Felony Crimes:

- Burglary, not including trespass with non-violent secondary crime

- Robbery, not including thefts that are accompanied by low level assaults

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- Homicide
- Serious Assault
- Kidnapping
- Arson with threat of harm to people
- Domestic Violence felony crimes
- Serious Sexual Assault
- Drive by Shooting, not including unlawful discharge of a firearm

Misdemeanor Crimes:

- Domestic Violence Assault
- Domestic Violence Order Violations that are subject to mandatory arrest—violations shall involve the subject's physical presence at the victim's location or a threat of harm

For all other crimes where the subject is considered to be armed or there is a threat of harm to the public, approval by an on-scene supervisor with the rank of sergeant or above is needed.

Canine teams should not be used to apprehend anyone suspected to be under the influence of drugs or alcohol if no other serious crime is involved, nor anyone who is experiencing a behavioral crisis, if no other serious crime is involved.

4. Canine Handlers Shall Obtain a Briefing of the Incident Prior to Deploying Their Canine

Canine officers may gather information from on-scene officers in person or via radio or MDT while enroute to the call.

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A briefing shall include, if applicable:

- A description of the facts and circumstances that establish probable cause to apprehend the subject or reasonable suspicion to detain the subject;
- A detailed description of the wanted subject, if available;
- The subject's actual or perceived age (i.e. whether the subject is or may be a juvenile). The subject's perceived age shall be determined by gathering as much information as possible from officers and/or witnesses who observed the subject's physical characteristics height, weight, etc.);
- Behavior or information indicating whether the subject poses imminent threat or violence to others;
- The severity of the crime;
- Whether the subject is armed;
- Whether there is reason to believe the subject may not speak or understand English or may have a hearing impairment;
- Known potential danger to the public and/or other officers at the scene if the canine is released;
- The degree of resistance or threatened resistance communicated or shown by the subject;
- The potential for escape or flight if the canine is not utilized;
- The level of pedestrian foot traffic; and
- Whether the area perimeter is secure.

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Canine officers shall coordinate with on scene officers and develop a plan as to how they shall safely track (i.e. cover officer, shutting down vehicle traffic, etc.) as well as an arrest plan if a subject is located unless exigent circumstances exist.

5. Off-Lead Canine Searches May be Suitable Under Certain Circumstances:

- Off lead deployment may be appropriate for searches of commercial buildings where there is the possibility of subjects hiding inside, including attics, basements, and crawl spaces.
- Off-lead deployment may be appropriate for searches of shopping centers, malls or other large structures where staffing commitments and search time shall be extensive.
- Off-lead deployment at a school building may be appropriate if the subjects are adults and the incident involves significant theft, such as computers and other valuable equipment. -
- Canine searches of residences are discouraged whenever there is risk of a bite to innocent persons. Before conducting a search of a residence the handler shall make every effort to ensure the safety of any residents that might be present.
- Residential searches should be conducted on short lead unless the handler can determine that there are no residents at home. This can be done through contacts with victims, witnesses, neighbors, responsible parties, and officers on the scene.
- The presence of uncontained animals in a residence to be searched shall normally preclude the use of canines unless the animals can be removed or contained. In cases where it can be done safely, an on-lead search can be done in the presence of uncontained animals.

6. A Canine Unit is Viewed as a Single Officer Unit and Shall Perform Under that Premise When Making Decisions Regarding Contact of Subjects. A Canine Handler May Use a Canine for Officer Safety

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Use of a canine is reasonable to provide additional safety for officers when needed (e.g., where an officer is contacting several individuals and there is a concern for flight or assault, the handler may have the canine at his or her side). The canine shall not be used solely for intimidation or coercion.

The de-escalation policy ([8.100](#)) still applies and requires that handlers articulate the need to contact a larger group that necessitated the use of the canine for safety purposes.

7. Canine Officers May Use Direct Apprehension to Physically Apprehend a Subject

Direct apprehension shall be used only when the officer has probable cause or reasonable suspicion to believe that the subject has committed one of the crimes listed in 8.300-POL-1(3), and

- The canine handler reasonably believes that the subject poses an imminent threat of harm to the officers or others; or

- The subject is trying to escape, such as by immediate flight.

8. Canines Shall Not Be Used to Apprehend Subjects Perceived to Be Juveniles Except for the Crimes Listed in [8.300-POL-1\(3\)](#)

In the case of known or possible juvenile subjects, special consideration should be given to the subject's age and propensity for violence, and officers should explore alternatives to the deployment of a canine.

9. Police Canines Shall Not Be Used as a Pain Compliance Technique

10. Canine Deployment Announcements

- Prior to a deploying a canine, a verbal announcement shall be made and repeated-attempts to notify persons within the area of the intent to utilize a canine team and to afford subjects the opportunity to surrender to the police. The announcement

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shall say that there are police officers in the area and that a trained police canine will be released and may bite individuals who do not surrender.

- When feasible, the announcement shall be given by patrol car PA system or amplified by other means.

- The announcement shall be clear, loud and audible to all individuals who may be affected by the operation. Where there is a reasonable belief that the subject speaks a language other than English, an officer or other individual fluent in that language shall be summoned to the scene if available and the exigency of the situation permits.

- A reasonable amount of time shall be allowed between announcement and deployment for the subject to respond and others to seek safety.

- Officers assigned to containment shall confirm hearing the canine announcements prior to initiating a search.

- A verbal warning shall be repeated as the search proceeds and the canine team reaches a different floor, or parts of the building or other area where the initial announcement may not have been heard.

- If feasible, other officers shall be in a location opposite from where the announcements are made to verify that it can be heard.

11. When Feasible, Canine Officers Shall Attempt Alternative Tactics Prior to a Direct Apprehension

When the location of a subject in hiding has been determined, handlers shall not command the canine to do a direct apprehension if alternative tactics are safe and feasible. Such alternatives may include: identifying as a police officer, ordering the subject to come out of hiding and warning that a police dog shall be released and they may be bitten if they do not voluntarily comply, and then waiting a reasonable amount of time for them to comply, or using a lower level of force.

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12. When Safe and Feasible, Canine Handlers Should Make All Reasonable Efforts to Keep the Police Canine in Sight

Canine handlers should remain within a working distance of their police dog to ensure they can read their canine's body language and that the police canine obeys verbal commands.

13. Releasing the Bite

- Should a bite occur, the handler shall as rapidly as possible determine if the subject is armed and call off the dog at the "first possible moment" the canine can be safely released.

- When deciding to order the dog to release, particular attention shall be given to the perceived threat or actual resistance presented by the subject. Handlers will continue to factor into their call-off decision that the average person will struggle if being seized or confronted by a canine. This struggling, alone, shall not be cause for not calling off the canine.

14. After a Canine Use of Force or Accidental Canine Bite or Injury, Officers Shall Render Appropriate Medical Aid Within Their Training as Soon as Reasonably Possible

See 8.200 POL 7

15. The Canine Will Be Secured as Soon as it Becomes Safe and Feasible

At a minimum, the canine shall be secured once the subject has been apprehended and no longer reasonably presents a threat, or risk of escape.

Exception: Canines may remain unsecured if there are additional outstanding subjects, the canine is needed to find evidence or the canine presence assists in the protection of officers or others.

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16. Whenever a Canine is Deployed, Whether Force is Used or Not, the Canine Handler Shall Document the Deployment

These records are kept in the Canine Unit.

17. A Canine Use of Force Shall Be Reported, Investigated, and Reviewed Consistent With Sections 8.400 and 8.500

See [8.400](#) and [8.500](#) for guidance.

- Each canine bite or injury shall be separately documented in the use of force report.
- The handler shall document, in their use of force report, the duration and reason for the duration of the canine's bite on the subject.

18. An Accidental Canine Bite or Injury is Not a Use of Force, But It Shall Be Reported Separately per 16.300 PRO - 1 Accidental Canine Bite or Injury

In the event of an accidental canine bite or injury, canine handlers shall follow accidental injury procedures, not use of force reporting procedures

8.300- POL 2– Use of Force – TASER / Conducted Electrical Weapons

A TASER in probe deployment is designed to stimulate a portion of the nervous system with sufficient pulsed electrical energy to bring about uncontrolled muscle contractions which override an individual's voluntary motor function. Drive stun mode occurs when the TASER makes direct contact with the subject's body and does not override an individual's motor responses. It is intended to cause significant pain. Use of the TASER in probe deployment is preferred in some circumstances over use in drive stun mode, which can only be used at close range and may cause marks and scarring.

1. Education & Training Section (ETS) Manages the TASER Program

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ETS will maintain the TASER operator's manual.

2. ETS Will Train and Certify Operators Annually

Only officers who have been trained and certified are allowed to use TASERs.

3. Uniformed Officers Who Have Been Trained and Certified to Carry a TASER and Have Been Issued One Must Carry It During Their Shift

Officers must carry their TASER in a holster on their support side.

4. Officers May Use TASERs in the Following Circumstances:

- When a subject causes an immediate threat of harm to any person;

or

- When public safety interests dictate that a subject needs to be taken into custody and the level of resistance presented by the subject is:

(1) likely to cause injury to the officer; or

(2) if hands-on control tactics or other force options would be likely to cause greater injury to the subject than the use of TASER.

In either of the above circumstances, the force must be objectively reasonable, necessary and proportional.

When a TASER used against a subject, either in probe or drive stun mode, it shall be for one standard discharge cycle of five seconds or less and the officer using the TASER must reassess the situation. Only the minimum number of five second cycles necessary to place the subject in custody shall be used.

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Officers should assume that if they have used a TASER three times against a subject but the subject continues to actively resist or aggress, the TASER may not be effective against that person; the officer shall reassess and consider other options, if feasible.

Officers shall not deploy multiple TASERs at the same subject, unless the first deployed device fails.

When using TASER in the drive stun mode, officers shall wait a reasonable amount of time between applications to discern if compliance has been gained.

5. TASERs Shall Not Be Used In any Environment Where an Officer Knows That a Potentially Flammable, Volatile, or Explosive Material is Present

Officers aware of environmental hazards shall alert fellow officers as soon as possible.

6. When Feasible, Officers Shall Issue a Verbal Warning to the Subject and Fellow Officers Prior to Deploying the TASER

Officers shall issue a verbal warning to the subject, other officers, and other individuals present, that a TASER will be used and defer using the TASER a reasonable amount of time to allow the subject to comply with the warning.

Verbal warnings may come from any officer involved in the incident when employing a team tactics approach.

Exception: A verbal warning is not required if giving the warning would compromise the safety of the officer or others. In such circumstances, only the deploying officer should document his/her reason for believing his/her safety would have been compromised in his/her use of force statement.

7. Arcing a TASER, Creating an Audible Sound and Visual Spark Display When Conducting a Verbal Warning, is not Reportable Force

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8. The Preferred Target for TASER is Below the Ribcage, Splitting the Beltline

Absent an immediate threat to any person's safety that cannot be reasonably dealt with in any other fashion, TASER users will not target a subject's head, neck, or genital area. The center mass of the back to the buttocks is a viable target. Targeting the chest and heart area should be avoided if possible. Officers shall target below the ribcage down to the upper thigh, splitting the beltline, if possible. When encountering subjects wearing heavy or loose clothing on the upper body, the legs should be considered as targets.

9. As With the Initial TASER Application, Each Subsequent Application of a TASER Must Be Individually Justified

Officers are required to report the use of a TASER, regardless of whether or not the use of the TASER was an effective application.

10. Officers Shall Summon Medical Aid as Soon as Feasible, Whenever a Subject Has Sustained a TASER Application

a. Officers Shall Not Remove TASER Probes and Barbs That are Embedded in Flesh

TASER probes and barbs that are embedded in flesh shall only be removed by fire department personnel or healthcare professionals, absent exigent circumstances. Probes embedded in clothing may be removed by an officer. Officers shall collect and submit into evidence all primary components of the TASER cartridge: probes, wires and cartridge.

11. Officers Shall Monitor All Subjects Who Have Sustained a TASER Application While They Are in Police Custody

12. When Restraining a Subject That Has Been Struck With a TASER, Officers Shall Use a Technique That Does Not Impair Respiration

Once a subject is under control, officers shall place him or her in a recovery position until such time as medical aid arrives.

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13. TASERs May Be Used to Stop a Dangerous Animal

14. ETS Shall Conduct TASER Inspections on an Annual Basis to Ensure That All TASERs are Operable, to Conduct Information Downloads, and Perform Any Necessary Maintenance or Repairs

Consistent with TASER Training, it is recommended officers perform a spark test at the start of their shift, to determine the functionality of the TASER. When conducting a TASER park test, officers point the TASER in a safe direction (such as a loading barrel). While conducting the spark test, officers are reminded to check the battery capacity. If the battery is low, officers will get a new battery from a precinct stationmaster, a precinct sergeant, or the quartermaster.

Officers shall notify their chain of command about any operational concerns about their TASER.

15. Officers Deciding to No Longer Carry Their TASER Will Notify Their Chain of Command and Return Their TASER to the Quartermaster or Stationmaster

Officers will notify a supervisor, in person, that they have decided to no longer carry a TASER, and will specify which less lethal tool they will deploy with.

Additionally, officers shall notify their chain of command and the Department TASER coordinator, via email, prior to deployment without their TASER.

8.300 – POL -3 Use of Force - Firearms

1. Officers Shall Only Discharge Firearms in Situations Where Deadly Force is Permitted

See [8.000](#) and [8.050](#) definition of deadly force for further guidance.

Firearms May Be Used:

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a. Against a dangerous animal to deter an attack or to prevent injury to persons present;
or6

b. To euthanize a critically injured animal.

2. Officers Shall Only Carry and Use Department-Approved Firearms, Except in Exigent Circumstances

3. Officers Shall Pass an Annual Firearms Qualification

All officers are required to qualify with their on-duty, back- up/off-duty firearms as directed by the Education & Training Section Captain. See [9.065](#).

4. Officers Shall Not Use Firearms as Impact Weapons, Except When a Subject is Attempting to Take the Firearm or Lethal Force Is Permitted

5. An Officer May Draw their Firearm in the Line of Duty When the Officer Reasonably Believes It May Be Necessary for His or Her Own Safety or for the Safety of Others

When an officer determines that the threat is over, the officer shall holster his or her firearm, when feasible.

Unnecessarily or prematurely drawing their firearm may limit an officer's alternatives in controlling a situation, may create unnecessary anxiety on the part of the public, and may result in an unwarranted or unintentional discharge of the firearm.

Officers shall not draw their firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm in conformance with policy on the use of firearms.

6. Officers Shall Not Fire Warning Shots

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YELLOW HIGHLIGHTS ARE SIMPLY TO INDICATE CRUCIAL AREAS IMPACTED BY ORDINANCE.

7. When Feasible, Officers Shall Issue a Verbal Warning to the Subject and Fellow Officers Prior to Discharging a Firearm

Officers shall issue a verbal warning to the subject, other officers, and other individuals present, that a firearm will be discharged and defer discharging the firearm a reasonable amount of time to allow the subject to comply with the warning.

Verbal warnings may come from any officer involved in the incident when employing a team tactics approach.

Exception: A verbal warning is not required if giving the warning would compromise the safety of the officer or others. In such circumstances, only the deploying officer should document his/her reason for believing his/her safety would have been compromised in his/her use of force statement.

8. Officers Shall Not Fire at or From a Moving Vehicle

Firearms shall not be discharged at a moving vehicle unless a person in the vehicle is immediately threatening the life of the officer or another person with deadly force by means other than the vehicle. The moving vehicle itself shall not presumptively constitute a threat that justifies an officer's use of deadly force.

An officer threatened by an oncoming vehicle shall, if feasible, move out of its path instead of discharging a firearm at it or any of its occupants.

Officers shall not discharge a firearm from a moving vehicle unless a person is immediately threatening the officer or another person with deadly force.

Exception:-The Department acknowledges that this policy does not cover every situation that may arise. Any deviations from the provisions of this policy shall be examined rigorously and critically reviewed on a case-by-case basis. The involved officers must be able to articulate clearly the reasons for the use of deadly force, including whether the officer's life or the lives of others were in immediate peril and if there was no reasonable alternative.

RED HIGHLIGHTS INDICATE WHAT NEEDS TO BE DELETED AND TO A LESSER EXTENT MODIFIED.

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9. Pointing a Firearm at a Person is Type I Reportable Force

Officers shall document all incidents where they point a firearm at a person. See [8.400](#).

Unholstering or displaying a firearm – including in a sul or low-ready position – without pointing it at a person is not reportable force.

10. All Firearms Discharges are Investigated and Reviewed

Intentional discharges (including discharges against people and against animals) and unintentional discharges are investigated by FIT and reviewed by the Force Review Board.

Exception: This does not apply to discharges during legal recreational shooting, hunting, military activity, or on the range when the discharge is downrange and the range master or lead firearms instructor determines no investigation is required.

8.300 – POL –4 Use of Force – Impact Weapon

See [8.050](#) for definition of Impact Weapon.

This policy applies to the use of Department-approved impact weapons and improvised impact weapons, by all sworn Department employees.

Using a bicycle to forcefully strike a subject is a reportable use of force governed by this policy and [8.500-POL-6](#).

Using a long baton as part of a coordinated crowd control movement during a crowd management event is governed by [8.500-POL-6](#).

1. Education & Training Section (ETS) Will Train and Certify Officers on Department-Approved Impact Weapons Every Two Years

RED HIGHLIGHTS INDICATE WHAT NEEDS TO BE DELETED AND TO A LESSER EXTENT MODIFIED.

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Officers will be trained and certified to use Department-approved impact weapons before being authorized to carry these weapons.

2. Officers Will Not Use Impact Weapons on Subjects Who Are Restrained and Under Control, or Complying With Police Direction

3. An Intentional Hard Strike to the Head With Any Impact Weapon Is Prohibited Unless Deadly Force is Justified

All hard strikes to the head must be screened with FIT, even if they were mistaken or unintentional.

4. Officers Will Not Target the Head, Throat, Neck, Spine, Genitals, or Kidneys with Any Impact Weapon, Except in Exigent Circumstances

All strikes to these areas must be screened with FIT, even if they were mistaken or unintentional.

5. Officers Shall Not Use Flashlights as Impact Weapons, Except in Exigent Circumstances

The use of improvised weapons, such as flashlights, may present a greater risk of injury than batons. Use of another object in place of the baton, including flashlights, is prohibited unless there is an immediate need to strike and an officer is precluded from using or cannot feasibly use the TASER, baton, or OC spray.

The failure to carry a baton, in and of itself, does not justify the regular use of a flashlight as an impact weapon. Routine reliance on flashlights as an impact weapon is prohibited.

6. Officers Must Justify Each Separate Impact Weapon Application in Their Use-of-Force Report

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YELLOW HIGHLIGHTS ARE SIMPLY TO INDICATE CRUCIAL AREAS IMPACTED BY ORDINANCE.

Officers are required to report the use of an impact weapon, regardless of whether a subject is struck.

8.300 – POL –5 Use of Force – Oleoresin Capsicum (OC) Spray

This policy applies to the use of OC spray by all sworn Department employees.

Oleoresin Capsicum spray (OC spray) is an inflammatory agent that causes an intense burning sensation of the skin, eyes, and mucous membranes. A one second burst applied directly to the face (direct exposure), even with glasses, will usually result in the immediate closing of the eyes. The individual's eyes will likely close, tear, and swell as a result. When inhaled (secondary exposure), the respiratory tract will likely become inflamed and temporarily restrict breathing to short, shallow breaths. The individual may experience choking, gagging, gasping for breath, or, on rare occasion, unconsciousness. The individual may experience nausea, lung pain, or temporarily impaired thought processes. The individual may become disoriented or lose his or her balance.

OC spray may reduce or eliminate the need for substantial physical force to make an arrest or gain custody. It may reduce the potential for injuries to officers and subjects.

1. Education & Training Section (ETS) Will Train and Certify Officers in the Use of OC Spray Every Two Years

The OC spray policy and training will incorporate the evolving guidance contained within the SPD Post-Basic Law Enforcement Academy course on less-lethal force as well as guidance from the medical community.

2. Officers Shall Only Use Department-Issued or Approved OC Spray

Officers will periodically check the manufacturer's date on their issued OC Spray container and if beyond five years, exchange for a new container from the stationmaster or quartermaster.

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YELLOW HIGHLIGHTS ARE SIMPLY TO INDICATE CRUCIAL AREAS IMPACTED BY ORDINANCE.

3. Officers Will Use OC Spray, Including for Crowd Dispersal or Protection, Only When Such Force is Objectively Reasonable, Necessary, and Proportional

See **8.050** for definition and explanation of "**objectively reasonable**," "**necessary**," and "**proportional**" force.

For use and reporting of OC spray in the context of crowd management, see **14.090 (10)**.

a. OC Spray May Be Used Against a Dangerous Animal to Deter an Attack or to Prevent Injury to Persons Present

b. OC Spray Shall Not Be Used Unless the Use of Physical Force Is Necessary

4. When Feasible, Officers Shall Issue a Verbal Warning to the Subject, Fellow Officers and Other Individuals Present Prior to Using OC Spray

Officers shall issue a verbal warning to the subject, other officers, and other individuals present, that OC spray will be used and defer using OC spray for a reasonable amount of time to allow the subject to comply with the warning.

Verbal warnings may come from any officer involved in the incident when employing a team tactics approach.

Exception: A verbal warning is not required if giving the warning would compromise the safety of the officer or others. In such circumstances, only the deploying officer should document his/her reason for believing his/her safety would have been compromised in his/her use of force statement.

A verbal warning is required if feasible and unless giving the warning would compromise the safety of the officer or others.

5. Officers Must Justify Each Separate Application of OC Spray

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After the initial application of OC spray, each subsequent spray must also be reasonable and the employee should reevaluate the situation accordingly.

6. Officers are Required to Report the Use of OC Spray, Regardless of the Effect, as Well as the Decontamination Procedures That Followed

7. The Application of OC Spray on Persons in Restraints Such As Handcuffs Must Be to Protect an Officer or Member of the Public from Physical Injury

8. Officers Shall Direct OC Spray at the Specific Subject(s) Who are Posing a Threat

Officers deploying OC will attempt to minimize exposure to non- targeted parties.

9. Officers Shall Assist Exposed Subjects with Decontamination and Medical Aid, As Soon as Reasonably Possible

If the subject was exposed in a confined space, officers will remove the subject as soon as feasible from the contaminated area and expose the individual to fresh air.

Officers shall request medical response or assistance for subjects exposed to OC spray when requested by the subject, when the subject complains of continued effects after having been decontaminated, or the subject indicates that they have a pre-existing condition (such as asthma, emphysema, bronchitis, or heart ailment) that may be aggravated by OC spray.

Officers shall monitor exposed subjects for changes in their condition while in police custody and request medical evaluation as needed or as requested.

10. The Department Shall Maintain Written Documentation of the Number of OC Spray Canisters Annually Distributed to Each Employee

8.300 – POL – 6 Use of Force – Vehicle-Related Force Tactics

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See hyperlinks below for vehicle tactics definitions in 8.050:

[PIT \(Pursuit Intervention Technique\)](#)

[Ramming](#)

[Roadblock](#)

[Vehicle-to-Vehicle Contact](#)

1. Only Officers Trained and Certified in the Use of PIT and Stop Sticks are Permitted to Use Them

Officers who have completed training in the use of PIT and stop sticks are permitted to use these tactics, regardless of their unit of assignment.

Ramming is an untrained tactic permitted only in exigent circumstances.

2. Vehicle-Related Force Tactics May Be Considered Deadly Force, Depending on the Situation

See **[8.200\(5\)](#)**.

3. Officers Shall Consider Secondary Risks to the Subject and Other Persons When Determining Whether to Deploy Vehicle-Related Force Tactics

Secondary risks to pedestrians and other vehicles include, but are not limited to, the dangers presented by a spun-out vehicle and loose tires on the road, as well as air bag deployment.

4. Officers Will Report the Use of PIT, Ramming, Stop Sticks, and Certain Roadblocks as a Use-of-Force

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- Deployment of stop sticks at a vehicle but no contact is made, it is reported as a Type I.

- Deployment of stop sticks at a vehicle where contact is made with the vehicle, is reported as a Type II.

- Deployment of stop sticks causing injury greater than Type II, is reported as a Type III.

- The use of stop sticks against a motorcycle is considered deadly force.

-Using a police vehicle for containment is not reported as a use of force.

-Not all roadblocks are reported as force. See [8.050](#) for definition of roadblocks for further guidance.

5. See [8.300-POL-3](#) for Guidance on Discharging a Firearm at or From a Moving Vehicle

8.300 – POL –7 Use of Force – Specialty Unit Weaponry

1. The Assistant Chief for Special Operations Oversees all Specialty Unit Weaponry

2. Specialty Units That Utilize **Unique Weaponry Will Maintain Unit Manuals and Training Records Which Contain an Inventory and Specific Guidance for Each Weapon**

Per Manual Section [12.070](#), unit manuals have the force of Department policy.

3. Officers in Specialty Units Shall Use Their Weaponry in a Manner That is Objectively Reasonable, Necessary, and Proportional

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See 8.050 for definition and explanation of "objectively reasonable," "necessary," and "proportional" force.

The fact that a weapon is part of the specialty unit weaponry does not exempt it from the policy requirements of this Manual. The same principles stated in 8.000 and 8.200 apply fully.

4. ETS Will Maintain Specialty Unit Training Records

Specialty units will submit their training records to ETS when completed.

8.300 – POL – 8 Use of Force – Hobble Restraint

A hobble restraint is a strap designed to restrain a subject's feet.

1. Officers May Use the Hobble Restraint to Control Violently Combative Subjects

2. The Hobble Restraint May Not be Connected to Handcuffs or Other Restraints (i.e., "hog tie")

3. Once the Hobble is Applied, Officers Must Place Subjects in Either in an Upright Seated Position, or on Their Side and Not Face Down, Including During Transport

4. Officers Must Closely Monitor Subjects Who Have Been Placed in the Hobble Restraint

5. Officers Shall Report any Use of the Hobble Restraint as a Type I Use of Force

8.300 – POL- 9 (Eliminated 06/19/20)

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8.300 – POL –10 Use of Force – Blast Balls

This policy applies to the use of blast balls by all sworn Department employees.

1. Only Officers Who Have Completed Department Blast Ball Training are Permitted to Deploy Blast Balls

2. Officers Shall Only Use Department-Issued Blast Balls

3. Officers May Use Blast Balls Only When Such Force is Objectively Reasonable, Necessary, and Proportional

When feasible, officers shall avoid deploying blast balls in the proximity of people who are not posing a risk to public safety or property.

4. When Feasible, Officers Will Not Deploy Blast Balls Until a Dispersal Order Has Been Issued to the Crowd, the Crowd Has Been Given a Reasonable Amount of Time to Comply, and a Supervisor Has Authorized the Deployment

Exception: Officers may reasonably deploy blast balls to address an imminent risk of harm to a person or significant property damage.

The preferred method of blast ball deployment is low deployment ("bowling style"). Officers may use a high deployment ("overhand throw") when the need for a farther deployment or the need to get around an obstruction outweighs the risk created by the separating sub-munition. Officers must document their deployment method and the reasoning for using such in their use-of-force report.

5. Officers Must Justify Each Separate Blast Ball Deployment

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After the initial blast ball deployment, each subsequent deployment must be reasonable and the employee should reevaluate the situation accordingly.

6. Officers Are Required to Report the Use of Blast Balls, Regardless of Whether a Subject is Struck

The deployment of blast balls away from people (i.e. a "bang out") that does not result in any injury or complaint of pain is reported and investigated as Type I force (See [8.400](#)).

The deployment of blast balls within close proximity to people is reported and investigated as Type II force, even if no injury or complaint of pain or injury is reported (See [8.400](#)).

Exception: When the deployment of blast balls results in injury or complaint of injury that meets the criteria for a Type III investigation, the deployment is reported and investigated as Type III force (See [8.400](#)).

7. As Soon As Reasonably Possible, Officers Will Request and/or Render Medical Aid for Subjects Who Appear to Have Been Injured by a Blast Ball Deployment or Who Complain of Pain or Injury Resulting From a Blast Ball Deployment

8. The Department Shall Maintain Written Documentation of the Number of Blast Balls Annually Distributed to, and Utilized by, Each Employee

8.300 – POL-11 Use of Force– 40 mm Less Lethal Launcher

40 mm Less Lethal (LL) Launchers are designed to temporarily interrupt the behavior of a dangerous subject, so that officers can take enforcement action with less danger of injury or death to themselves and others. The extended standoff distance that the 40 mm LL Launcher may decrease officers' exposure and may provide additional time to bring the situation to a safe resolution.

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1. Education and Training Section (ETS) Manages the 40 mm LL Launcher Program

ETS maintains the 40 mm LL Launcher operator's manual.

2. The Firearms Training Squad (FTS) Will Maintain Inventory Records for 40 mm LL Launchers

3. ETS Trains and Certifies 40 mm LL Launcher Operators Annually

Exception: SWAT officers will certify annually through annual specialized unit training. The SWAT commander will forward training rosters to ETS within seven days of completion.

Only officers who have been trained and certified with the Seattle Police Department are allowed to use the 40 mm Less Lethal Launcher.

Officers may only use 40 mm LL Impact Munitions (LLIM) in a manner consistent with the Seattle Police Use of Force Policy and training provided by the Department.

4. Officers Who Have Been Trained, Certified and Issued a 40 mm LL Launcher Will Deploy with It During Their Shift

Officers deploying with a 40 mm LL Launcher will deploy with a primary less lethal device in accordance with [8.300 \(2\)](#)

5. Officers Deciding to Withdraw from the 40 mm LL Launcher Program Will Notify their Chain of Command and Return the 40 mm LL Launcher to the Range Armorer as Soon as Practicable

Officers will notify a supervisor, in person, that they have decided to no longer carry their 40 mm LL Launcher.

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Additionally, officers will document the decision to no longer carry a 40 mm LL Launcher by emailing their chain of command and the Department 40 mm LL Launcher coordinator prior to deployment without their assigned launcher.

6. If the 40 mm LL Launcher Requires Inspection and/or Repairs, the Officer Will Notify their Supervisor and take the 40 mm LL Launcher Out of Service

Officers will email their supervisor, the 40 MM LL Launcher coordinator and the 40MM LL Launcher Armorer prior to deployment without their 40 mm LL Launcher.

7. Officers Will Only Use a 40 mm LL Launcher When Objectively Reasonable, Necessary, and Proportional

See **8.050** for definition and explanation of "**objectively reasonable**," "**necessary**," and "**proportional**" force.

Officers may use a 40 mm LL Launcher in the following circumstances:

- When a subject poses an immediate threat of harm to any person; or

- When public safety interests dictate that a subject needs to be taken into custody and the level of resistance presented by the subject is

- (1) likely to cause injury to the officer; or

- (2) if hands-on control tactics or other force options would be likely to cause greater injury to the subject than the use of the 40 mm Less Lethal Impact Munition (LLIM).

Officers will consider Department training regarding deployment distances and target areas. Each situation must be evaluated on the totality of the circumstances at the time of the deployment.

8. When Feasible, Officers Shall Issue a Verbal Warning to the Subject and Fellow Officers Prior to Deploying the 40 mm LL Launcher

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Officers shall issue a verbal warning to the subject, other officers, and other individuals present, that a 40 mm LL Launcher will be used. Absent exigent circumstances, officers shall defer using the 40 mm LL Launcher a reasonable amount of time to allow the subject to comply with the warning.

Verbal warnings may come from any officer involved in the incident when employing a team tactics approach.

Exception: A verbal warning is not required if giving the warning would compromise the safety of the officer or others. In such circumstances, the deploying officer should document his/her reason for believing his/her safety would have been compromised in their use of force statement

9. Officers Shall Consider the Risk of the 40 mm LLIM Round Causing Serious Harm When Determining Whether to Deploy

10. Officers Will Not Intentionally Target a Subject's Head, Neck or Genitals

Officers will not target the head or neck unless deadly force is justified.

11. Preferred Target Areas for 40 mm LL Launchers Are:

- Buttocks

- Thigh area

- Calf

- Large muscle groups

Officers shall collect and submit into evidence all primary components of the expended 40mm round to include the sponge nose cone with the rifling ring, and the casing.

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12. Only Munitions Purchased, Authorized and Issued by the Seattle Police Department May Be Used by Officers

Officers deploying 40 mm LL Launchers are responsible for ensuring the proper munitions are loaded. Officers will inspect each 40 mm LLIM round prior to loading it into the launcher to ensure munitions adhere with this policy.

13. Officers will Securely Store 40 mm LL Launchers

While on duty, 40 mm LL Launchers will be secured in patrol vehicles when not in use.

When not on duty, Officer's will store 40 mm LL Launchers in a secure Department locker.

14. Only SWAT Officers Will Deploy 40 mm LL Launchers During Crowd Management Events

15. Officers Must Justify Each Separate 40 mm LL Launcher Use in Their Use-of-Force Statement

16. Officers Are Required to Report the Use of 40 mm LL Launcher as Force, Regardless of Whether a Subject is Struck

See [8.400-POL-1\(3\)](#)

Officers should also be prepared to employ other means to control the individual — including, if necessary, other force options consistent with Department policy—if the individual does not respond sufficiently to the LLIM and cannot otherwise be subdued.

17. Officers Will Summon Medical Aid as Soon as Feasible, Whenever a Subject Has Been Struck by a 40mm LL Launcher Round

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18. The Firearms Training Section (FTS) Will Inspect 40 mm LL Launchers on an Annual Basis to Ensure That All Are Operable and Perform any Necessary Maintenance or Repairs

Exception: SWAT officers will inspect the 40 mm LL Launchers assigned to their unit on an annual basis.

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8.310 - OC Spray Chain of Custody

Effective Date: 09/01/15

8.310-POL

This policy applies to the storage, tracking, and accountability of Oleoresin Capsicum (OC) spray through the various channels of custody throughout the Seattle Police Department. This policy does not cover the tracking of OC spray following its use in a force incident, which is covered in [POL 8.400](#).

1. The Quartermaster (QM) Shall Maintain The Department OC Supply

QM shall maintain an adequate supply of MK-3, MK-4, MK-9, MK-21 and MK- 46 spray units.

QM will also maintain a register of serial numbers for each unit of OC spray.

2. Stationmasters Shall Control OC Spray Units at the Precinct/Section Level

The stationmaster shall control the stock of all types of OC Spray at the precinct level.

Only the stationmaster/designee can issue MK-3, MK-4, and MK-9 OC Spray from precinct supplies.

Each precinct shall have a procedure to obtain OC Spray during non- business hours.

See [8.310-TSK-1](#) Issuing MK-3, MK-4, and MK-9 OC Spray to Officers

3. Non-Precinct Personnel Shall Obtain OC Spray Directly from the Quartermaster

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4. Precinct Operations Lieutenants Are Responsible For MK-21 and MK-46 OC Spray Issued to Them

MK-21 and larger OC Spray Units will be stored in a secured, centralized location.

When officers are issued these units for various reasons, they will fill out the logout and login time for the item on the Less Lethal Deployment Log Sheet (form 1.80)

Operations Lieutenants are responsible for monthly checks of the log sheet to verify accuracy and completeness.

See [8.310-PRO-1](#) Checking Out MK-21 and Larger OC Spray Units

5. Officers Are Responsible For MK-3, MK-4, and MK-9 OC Spray Issued to Them

Stationmasters shall record the serial number from each MK-3, MK-4, or MK- 9 spray when issued to an individual officer.

Officers are responsible for reporting lost or stolen OC spray to their supervisors.

6. The Audit, Policy, and Research Section Shall Conduct Audits of OC Spray Registers

8.310-PRO-1 Checking Out MK-21 and Larger OC Spray Units

Officer

1. **Requests** to check out OC Spray unit from a Lieutenant or above.

Lieutenant

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2. **Issues** the approved OC Spray unit to the officer.

Officer

3. **Records** the logout of the unit on the Less Lethal Deployment Log Sheet (form 1.80).

4. **Utilizes** the OC Spray in accordance with Department policy, as needed.

5. **Returns** the OC Spray after use.

6. **Records** return of the OC Spray on the same line previously logged out on the Less Lethal Deployment Log Sheet (form 1.80)

If the OC Spray canister was depleted, **notes** on the log sheet and notifies Lieutenant.

Lieutenant

7. **Verifies** the OC Spray was returned or depleted in the respective use of force report.

8.310-TSK-1 The stationmaster when issuing MK-3, MK-4, and MK-9 OC spray to officers

1. **Obtains** a lot of MK-3, MK-4, or MK-9 OC Spray Units and stores in secured area of the precinct.

2. **Receives** request for OC Spray from an officer.

3. **Records** the serial number from the OC Spray canister on the OC Spray Issuance Record (form 1.85), as well as the officers name and serial number.

4. **Issues** OC canister to the officer.

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8.400 - Use of Force Reporting and Investigation

Effective Date: 06/19/2020

8.400-POL-1 Use of Force Reporting and Investigation

The Seattle Police Department recognizes the magnitude of the responsibility that comes with the constitutional authority to use force. This responsibility includes maintaining vigorous and transparent oversight systems to ensure accountability to the community and maintain their trust. In order to ensure transparency and accountability, officers must clearly and reliably report and thoroughly document each time they use force defined as **Type I, II, or III**.

All uses of force are reportable except de minimis force.

Handcuff discomfort is reported and tracked, not as a use of force, but as "**handcuff discomfort**."

Supervisors must clearly and reliably document the steps they have taken to investigate and review the actions of the officer and any additional steps taken or recommendations for further review and action.

The requirements for reporting, investigating, and reviewing use-of-force incidents are separated into three types, based on the nature of the incident. (For deaths, see **15.055**.) The goal is to focus police resources on the most serious cases, while also requiring that all reportable uses of force are reported and not under-classified. The categorization of use-of-force investigations is based on the following factors: degree of injury caused, potential of the technique or weapon to cause injury, degree of pain experienced, degree of disability experienced by the subject, complaint by the subject, degree of restraint of the subject, impairment of the functioning of any organ, duration of the force, and physical vulnerability of the subject. An investigation may result in an incident being re-classified, when appropriate

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Officers shall thoroughly document all reportable uses of force to the best of their ability, including a description of each force application.

The Department recognizes the inherent limitations on perception and recall following tense and rapidly evolving circumstances.

Force	Threshold	Examples
De Minimis Physical interaction meant to separate, guide, and/or control without the use of control techniques that are intended to or are reasonably likely to cause any pain or injury.	Physical interaction meant to separate, guide, and/or control that is not reasonably likely to cause pain or injury	Using hands or equipment to stop, push back, separate or escort, and the use of compliance holds without the use of sufficient force to cause pain Application of a spit sock
Type I Force that causes transitory pain or the complaint of transitory pain.	Transitory Pain Disorientation Pointing of-a firearm at a subject Deployment of a blast ball away from people (i.e. a "bang out") NFDD (Noise Flash Diversion Device) away from people	Controlled placement/takedown that results in a complaint of pain or causes/is likely to cause transitory pain or disorientation Strike with sufficient force to cause pain or complaint of pain Open hand technique with sufficient force to

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Force	Threshold	Examples
	<p>Complaint of pain during the application of handcuffs</p> <p>Use of a hobble restraint</p> <p>Use of 40 mm II launcher away from people</p> <p>Deployment of stop Sticks at a vehicle, but no contact was made</p>	<p>cause complaint or indication of pain</p> <p>Improper application of handcuffs, causing pain</p>
<p>Type II</p> <p>Force that causes or is reasonably expected to cause physical injury greater than transitory pain but less than great or substantial bodily harm</p>	<p>Physical Injury (greater than transitory pain)</p> <p>Reasonably expected to cause physical injury</p> <p>Complaint of injury</p> <p>Use of TASER</p> <p>Use of OC Spray</p> <p>Use of Impact Weapon causing less than a Type III injury</p>	<p>Abrasion</p> <p>Bruising</p> <p>Laceration</p> <p>Takedown that causes injury or is reasonably expected to cause injury</p> <p>Punch or kick with less than Type III injury</p> <p>Punch or kick to the groin with less than Type III injury</p>

RED HIGHLIGHTS INDICATE WHAT NEEDS TO BE DELETED AND TO A LESSER EXTENT MODIFIED.

YELLOW HIGHLIGHTS ARE SIMPLY TO INDICATE CRUCIAL AREAS IMPACTED BY ORDINANCE.

Force	Threshold	Examples
	<p>Canine physical contact with less than Type III injury or complaint of less than a Type III injury</p> <p>Vehicle-Related Force Tactics causing less than Type III Injury</p> <p>Deployment of stop sticks against a vehicle, other than a motorcycle, where contact is made with the vehicle, regardless of any injury but not causing Type III injury</p> <p>Pursuit Intervention Technique (PIT)</p> <p>Deployment of a blast ball toward people causing less than Type III injury</p> <p>Deployment of a 40 mm LL at a person causing less than Type III Injury</p> <p>NFDD (Noise Flash Diversion Device) toward people causing less than Type III Injury</p>	<p>Unintentional injury caused by "bang out" of a blast ball</p> <p>Abrasion, laceration or bruising caused by handcuffs or handcuffing</p>

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Force	Threshold	Examples
<p>Type III</p> <p>Force that causes or is reasonably expected to cause great bodily harm, substantial bodily harm, loss of consciousness, or death</p>	<p>Great Bodily Harm</p> <p>Substantial Bodily Harm</p> <p>Deadly Force</p> <p>Criminal Conduct by Officer(s) related to the use of force</p> <p>Serious Policy Violation related to the use-of-force (See 5.002)</p> <p>Discharging a firearm at a person. See 8.300 POL 3</p> <p>Deployment of stop sticks on a vehicle causing injury greater than Type II or use of stop sticks against a motorcycle. See 8.300 POL 6 (4)</p> <p>Impact weapon strike to the head, neck, throat, spine or genitals. See 8.300 POL 4</p> <p>Striking a person's head into a hard, fixed object (examples include, but are not limited to concrete objects or surfaces, or solid metal structures such as bars or guardrails).</p>	<p>Broken bone or tooth</p> <p>Potentially serious head injury</p> <p>Dislocation, even if reset</p> <p>Loss of Consciousness</p> <p>Permanent disfigurement or loss of the function of any bodily part of organ</p> <p>Incidents where the suspect is admitted to the hospital as a result of the force</p>

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Force	Threshold	Examples
	<p>Canine physical contact resulting in greater than Type II injury</p> <p>Vehicle-related force tactics resulting in or reasonably likely to cause Type III injury. See 8.300 POL 6</p>	

1. Officers Shall Document in a Use-of-Force Report All Uses of Force Except De Minimis Force

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2. Officers Shall Report the Complaint of Handcuff Discomfort Resulting Solely from the Wearing of Properly Applied Handcuffs to a Supervisor

3. Officers, Including Witness Officers, Will Verbally Notify a Supervisor Following Any Use of Reportable Force, As Soon As Feasible

a. Officers who use reportable force while on-duty shall call for an on-duty SPD sergeant

- Known inadvertent contact with a subject's neck during the application of a head control tactic, or other control technique which results in momentary contact with the neck of a subject without the risk or intention of restricting the flow of blood or oxygen is not a neck or carotid restraint, but must be screened with a supervisor.

b. Officers who use reportable force while working for a secondary employer shall call for an on-duty sergeant unless an SPD sergeant is assigned or working the same off-duty detail

c. Officers who discharge a firearm at a person while off duty, except during military activity, shall call and request to be contacted by an on-duty lieutenant

d. Officers who use reportable force while exercising police authority in all other circumstances shall call and request to be contacted by an on-duty lieutenant

e. When an officer is involved in an incident in another precinct while working off-duty, a sergeant in that precinct (or a sergeant assigned to the same off-duty detail, when there is one) will conduct the investigation and then submit it to the involved officer's chain of command for approval.

f. Animal shootings and unintentional discharges not resulting in injury are not considered force, but require the same notifications and are investigated as any firearm discharge

4. The Sergeant Will Review the Incident and Do One of the Following:

- Classify the investigation as Handcuff Discomfort, Type I or Type II as appropriate.

RED HIGHLIGHTS INDICATE WHAT NEEDS TO BE DELETED AND TO A LESSER EXTENT MODIFIED.

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- Call the on-call FIT representative via Communications and screen a Type III response by the FIT
- Any contact with the neck, causing or reasonably likely to cause injury or loss of consciousness will be screened with FIT.

5. The FIT Unit Supervisor or Commander, When Contacted by a Sergeant, Will Either Initiate a Type III Investigation or Suggest Another Type of Investigation

6. When Multiple Officers are Involved in a Use-of-Force Incident, the Entire Incident Will be Reviewed at the Highest Level Reached by any Single Officer During the Incident

If one officer uses Type I force while another officer uses Type II force in the same incident, the first officer will complete a Type I report and the second officer will complete a Type II report. The entire incident will be reviewed as a Type II.

7. Sergeants May Request a Higher Level of Investigation for a Given Force Incident

Factors to consider when determining whether a higher level of investigation is appropriate include, but are not limited to, the following:

- The nature of the resistance encountered
- Force used against a handcuffed, or otherwise restrained, under- control, or in-custody subject
- Force used against a pregnant or vulnerable subject (e.g., age or infirmity)
- Incidents resulting from faulty information or unintentional error
- When it is unclear whether the officer's actions were consistent with policy or law

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8. No Supervisor Who Ordered, Used, or Participated in Reportable Force, or Participated in the Tactical Planning That Led to the Use of Reportable Force, Will Conduct the Investigation of the Incident, Unless it is Impractical Under the Circumstances

When a sergeant orders, uses, or participates in reportable force or the tactical planning leading up to the reportable force, a lieutenant shall determine who will conduct the investigation.

When a lieutenant or captain orders, uses or participates in reportable force or the tactical planning leading up to the reportable force (to include authorizing entry into a constitutionally-protected space), a higher-ranking officer in the chain of command shall determine who will review the investigation.

All officers, sergeants, lieutenants and captains who participate in the tactical planning leading up to a reportable use of force must complete a witness statement, unless they are otherwise required to complete an involved officer statement. Such individuals may also be required to submit to an investigative interview.

9. Officers are Required to Report the Use of OC Spray, 40 mm LL Launchers, TASERs, Impact Weapons and Patrol Munitions, Regardless of the Effect

Reporting is required whether or not the subject is struck, affected, or taken into custody.

10. Once a Subject is Free to Leave, Officers Will Not Detain for Screening Purposes

11. Whenever the Department Investigates the Discharge of a Firearm by an Officer, the Firearm Must be Inspected by Range Staff Prior to Being Returned to the Involved Officer

The range staff will verify:

- The firearm is approved by the Department for use by the officer

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- The ammunition is approved by the Department for use by the officer. Neither the firearm nor the ammunition has been modified to be out of compliance with Department policy
- Provide to the FIT a memorandum identifying:
- The firearm evaluated
- The name and serial number of the officer to whom it is assigned
- The type of tests performed on the firearm
- The results of those tests
- The individual who conducted the test.
- Conclusion whether the firearm is functioning properly
- Any malfunctions discovered with the firearm
- Any other information relevant to the functioning of the firearm inspected

8.400-POL-2 Use of Force – Handcuff Discomfort Screening

1. Officers Shall Report Complaints of Handcuff Discomfort to a Supervisor

Officers shall report complaints of handcuff discomfort to a supervisor, including what steps the officer took to ensure proper fit and address the complaint of discomfort.

Additional guidance on how to report handcuff discomfort may be found here. **8.400-TSK-1.**

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2. Sergeants Will Screen Complaints of Handcuff Discomfort

Sergeants screen complaints of handcuff discomfort in-person with the involved officer and the subject, unless impractical, prior to the subject being released.

Officers may not extend a detention solely to await the arrival of a supervisor.

A supervisor will inspect the subject to confirm there is no visible injury.

Sergeants complete a Handcuff Discomfort Report in Blue Team, using the Handcuff Discomfort Template. Sergeants shall give a brief summary of their screening in the comments section including:

- That the subject complained of discomfort from the handcuffs,
- What steps the officer took to ensure proper fit and address the complaint of discomfort, and
- Whether any injury was apparent.
- If a complaint of pain is from application of handcuffs (improperly applied or forcefully applied), the sergeant will investigate the force as a Type I.
- If there is visible injury, the sergeant will investigate the force as a Type II or Type III, as appropriate.

No ICV or other video review is required of the sergeant or chain of command unless reasonably necessary to determine the cause of the handcuff discomfort.

8.400-POL-3 Use of Force – Type I Investigations

1. Sergeants Must Screen Uses of Reportable Force In-Person With the Involved Officer and the Subject, Unless Impractical, Prior to the Subject Being Booked or Released

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If the subject is free to leave, the detention will not be extended to facilitate the screening process; however, the subject may choose to remain at the scene to speak with the sergeant. See **8.400-TSK-3**, Involved Officers' Responsibilities During a Type I Investigation.

If there is any uncertainty or concern about the reason or immediately respond to the scene, unless impractical in the circumstances.

2. Officers Shall Document All Uses of Reportable Force

In Type I use-of-force cases, it should be sufficient to complete the form in Blue Team and write a brief narrative entry describing what occurred using the Type I statement template in Word.

Additional guidance on how to report Type I force may be found here. See **8.400-TSK-3**.

Witness officer statements are not required for a Type I use-of-force.

The investigating supervisor will review the documentation as soon as practicable and will direct the officer to provide more information, if needed.

When the sergeant requests revisions from the involved officer, he or she must detail the requested revisions in Blue Team.

Sergeants shall give a brief summary of their investigation of the incident in the comments section in Blue Team using the supervisor Type I investigation template in Word.

No ICV or other video review is required of the sergeant or chain of command.

Additional guidance on how to investigate Type I force may be found here. See **8.400-TSK-4**.

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8.400-POL-4 Use of Force – Type II Investigations

1. In Conducting a Type II Investigation, a Sergeant Will Respond to the Scene and Thoroughly Investigate the Event, Unless Officer or Public Safety Will be Compromised as a Result

See **8.400-TSK-8** Responsibilities of the Sergeant During a Type II Investigation.

The sergeant retains the discretion to refer any use of force to FIT for their determination of whether to take investigatory responsibility over the matter.

2. The Sergeant Will Conduct the Investigation as an Impartial Fact-Finder and Shall Not Reach Findings About Whether the Force was Within Policy or Law

3. The Sergeant Will Make Appropriate Notifications When They Believe that Criminal Conduct or a Policy Violation May Have Occurred

When a sergeant believes that there may have been criminal conduct or a serious policy violation, the sergeant will consult with an on-duty captain or lieutenant, as feasible, and ensure that FIT, OPA, and the officer's chain of command are notified, as prescribed by **5.001** and **5.002**.

If not already identified and the OPA referral has not been made by the investigating sergeant, upon identifying a policy violation, the captain or lieutenant will make the proper notifications/referrals as prescribed by **5.002**.

The captain or lieutenant will notify the command staff and OPA if information is obtained at any step in the investigation that suggests criminal conduct.

If the situation warrants, a lieutenant or captain may relieve the officer from duty for up to 24 hours pursuant to **5.001**.

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4. Sergeants Will Complete Their Investigation Within the Timeline Established by the Captain, Consistent With the 30-Day Investigation Period

See **8.500-POL-2(4)**.

When the sergeant requests revisions from the involved officer, the officer must detail the requested revisions in Blue Team.

Sergeants shall summarize their investigation of the incident using the supervisor Type II investigation template in Word.

a. Each Reviewer in the Chain Will Review the Report Within a Reasonable Period of Time to Ensure it is Thorough and Complete

Every reviewer in the chain of command is responsible to ensure the accuracy and completeness of the use-of-force investigation completed by the sergeant. Lieutenants and captains shall assess the quality of the sergeant's investigation and document their own review in the comments section in Blue Team using the appropriate Type II templates in Word. The lieutenant's and captain's review shall include a clear explanation of their reasoning documenting why the approval or disapproval of the force is warranted.

If any investigative deficiencies exist, the reviewer will initiate corrective action where appropriate.

- When it appears to a reviewer that there is additional relevant and material evidence that may assist in resolving inconsistencies or improving the reliability or credibility of the findings, that supervisor should ensure that additional investigation is completed.

- When it appears to a reviewer that the findings are not supported by a preponderance of the evidence, that reviewer will consult with the investigating supervisor and previous reviewers to clarify the discrepancy, and document any modifications, including the specific evidence or analysis supporting the modification.

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When a reviewer requests revisions from a previous reviewer or the investigating sergeant, he or she must detail the requested revisions in Blue Team.

5. An Investigation May Be Re-Assigned

At the discretion of the officer's chain of command, or OPA in the case of a policy violation that has been referred to it, a use-of-force investigation may be assigned or re-assigned to FIT or to another supervisor, either within or outside of the precinct in which the incident occurred, or may be returned to the unit for further investigation or analysis.

6. Where, After Investigation, a Use-of-Force is Found to be Out of Policy, or the Investigation of the Incident is Lacking, the Chief or Designee Will Direct and Ensure Appropriate Corrective Action, if Warranted, Including Referral to OPA

7. When the Use-of-Force Indicates Policy, Training, Tactical or Equipment Concerns, the Chief or Designee Will Ensure That Necessary Training is Delivered and That Policy, Tactical or Equipment Concerns are Resolved

8. After the Captain has Reviewed the Use-of-Force Packet and Finds the Investigation Complete and Supported by the Evidence, the Captain Shall Forward the Investigation File to the Force Review Unit

8.400-POL-5 Use of Force – Type III Investigations

1. The Force Investigations Team (FIT) Will Conduct All Type III Investigations, With Assistance from the On-Scene Sergeant

FIT will conduct all investigations in accordance with the **FIT Manual**.

2. FIT Responses Will Be Tailored to the Circumstances, But Will Normally Include One to Six FIT Detectives, the FIT Sergeant, the FIT Captain, a Training Section Representative, and an OPA Representative

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3. At Least One Member of the FIT Will be Available at All Times to Evaluate Potential Referrals from SPD Sergeants

4. The FIT Captain Shall Staff the FIT with Employees Who Have the Appropriate Expertise and Investigative Skills

FIT should be staffed with individuals with appropriate expertise and investigative skills to ensure that uses of force that are contrary to law or policy are identified and appropriately resolved; and that its investigations allow the Force Review Board to identify trends or patterns of policy, training, equipment, or tactical deficiencies, or positive lessons related to the use-of-force.

5. A Training Section Representative Will Have Certain Responsibilities During a Type III Investigation

The Training representative will not have investigative roles at the scene of a use-of-force, but will attempt to identify any policy or training issues.

See **8.400-TSK-21**, Responsibilities of the Training Representative During a Type III Investigation.

6. An Office of Police Accountability (OPA) Representative Will Have Certain Responsibilities During a Type III Investigation

The OPA representative will not have investigative roles at the scene of a use-of-force, but will attempt to identify any policy violations.

See **8.400-TSK-22** Role of the Office of Police Accountability (OPA) Representative During a Type III Investigation and OPA Manual.

7. FIT Personnel Will Take Control of the Use-of-Force Investigation Upon Their Arrival

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See **8.400-TSK-18**, Responsibilities of the FIT Captain During a Type III Investigation (Not a Firearms Discharge), **8.400-TSK-19**, Responsibilities of the FIT Captain During a Type III Investigation (Firearms Discharge), **8.400-TSK-16**, Responsibilities of the FIT Unit Sergeant During a Type III Investigation (Not a Firearms Discharge) and **8.400-TSK-17**, Responsibilities of the FIT Unit Sergeant During a Type III Investigation (Firearms Discharge). Once FIT has Assumed Control of the Scene, the Patrol Sergeant Will Work at the Direction of the FIT Commander

See **8.400-TSK-11** Responsibilities of the Patrol Sergeant During a Type III Investigation (Not a Firearms Discharge) and 8.400-TSK-12 Responsibilities of the Patrol Sergeant During a Type III Investigation (Firearms Discharge).

8. For Type III Investigations, All Involved Officers Will Provide a Recorded Statement as Directed by the FIT Captain

Exception: If information suggests possible criminal conduct by an officer, that officer will not be compelled to provide any statement or interview prior to the conclusion of any criminal investigation.

9. Within 60 Days (90 Days for Firearm Discharge Cases), the FIT Captain Will Present the Completed Investigation to the Assistant Chief of the Professional Standards Bureau for Review and Referral to the FRB Calendar within One Week

10. Witness Officers Who had Significant Involvement in any Lethal Force Incident Will Not Return to Work for at Least 24 Hours and May Be Required to See a Department-Approved Mental Health Professional for a Post-Incident Debrief

The on-scene FIT commander, in consultation with involved officers' Bureau Commander, and Peer Support, will determine which witness officers had significant involvement in a lethal force incident.

Examples of significant involvement include, but are not limited to:

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- Serving as a cover officer
- Administering any medical aid to the suspect or a victim
- Being the victim of violence from the suspect
- Using any reportable force during the incident immediately prior to the firearms discharge

All witness officers identified as having had significant involvement in a lethal force incident will not return to work for at least 24 hours. This leave will take the form of release time unless the officer has regular furlough the following day.

The witness officer's bureau chief may authorize up to four days release time for officers having had significant involvement in a lethal force incident and may require such officer to see a Department-approved mental health professional for post-incident debrief. The bureau chief will consider any requests for release time by such officers.

If desired, witness officers who witnessed any portion of a lethal force incident may contact a Department- approved mental health professional for a psychological post-incident debrief. (Department-approved mental health professionals are specially-trained in debriefing law enforcement incidents).

- The Department will provide for as many visits as the mental health professional recommends with an additional visit provided six months after the incident.
- The witness officer may bring a family member along at no extra charge to any or all covered visits.

11. The FIT Captain Will Notify the Assistant Chief of Professional Standards if Information is Obtained at any Stage of the Investigation That Suggests Either a Serious Policy Violation or Criminal Conduct

The assigned FIT investigator will continue to complete the use-of- force investigation.

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a. The FIT Captain Will Take the Following Actions When Possible Criminal Conduct is Revealed:

- Refer the investigation to OPA
- If OPA agrees that a criminal investigation is appropriate, they will refer the investigation to the Homicide Unit or another investigative body for assignment to an uninvolved sergeant for bifurcated criminal and administrative investigations using a "clean team" and "exposed team" approach.
- Screen all information through a case master, who will see to it that no information that would compromise the criminal investigation is passed on to the sergeant who is supervising the criminal investigation.
- Additionally, any compelled interview of the subject officer(s) will be delayed until the end of the criminal investigation.
- Consult with a representative of the King County Prosecutor's Office or the City Attorney's Office when necessary.
- The criminal investigation will have priority access to witnesses and evidence.

b. The FIT Captain Will Take the Following Actions When a Policy Violation is Revealed:

- Advise the OPA director and refer the policy violation investigation to the OPA, when required by 5.002.
- Advise the officer's captain and refer the policy violation investigation to the officer's chain of command, when required by **5.003**.

12. The FIT Captain May Re-Classify a Use-of-Force Incident

The FIT sergeant and FIT lieutenant may recommend re-classification.

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This policy recognizes that a Type III investigation may be initiated for an incident where an officer did not use Type III force. For example, a Type III investigation will be completed when it appears that an officer's actions caused a subject to break a bone. However, the investigation may yield that the subject's bone was broken prior to the incident, and that the involved officer used force that would otherwise be investigated as a Type I. Once an investigation is completed, the captain may re-classify each involved officer's use-of-force, as appropriate. The intent is to comply with all reporting and investigation criteria while also maintaining an accurate record of the actual force used by officers.

8.400-TSK-1 Use of Force - Officer's Responsibilities During a Handcuff Discomfort Screening

1. **Receives** a complaint of discomfort from handcuffs
2. **Inspects** the handcuffs as soon as practicable.
 - **Ensures** proper handcuff placement
 - **Ensures** handcuffs are properly gauged and double locked
3. **Inspects** the wrists of the subject for any visible injury
 - Slight indentation and temporary discoloration of skin from the handcuffs does not constitute injury
4. **Notifies** the screening sergeant of the report of discomfort and the outcome of their inspection of the handcuffs

8.400-TSK-2 Use of Force - Sergeant's Responsibilities During a Handcuff Discomfort Screening

1. **Inspects** the wrists of the subject

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- Slight indentation and temporary discoloration of skin from the handcuffs does not constitute injury

2. **Determines** whether the handcuffs were applied properly at the time of arrest and if the discomfort appears to have been a result of improper application vs discomfort from wearing the handcuffs

3. If complaint of discomfort was caused by properly applied handcuffs, **documents** the inspection of the handcuffs and **continues the Handcuff Discomfort Review**

4. Follows screening guidelines set forth in **8.400 POL 2**. If inspection of the handcuffs reveals Type I, Type II or Type III investigation is required, **proceeds** accordingly

5. **Forwards** the completed report to FRU for tracking

8.400-TSK-3 Use of Force – Involved Officers’ Responsibilities During a Type I Investigation

Upon being involved in a use-of-force that will be investigated at Type I, the **involved officer** (See hyperlink for definition of involved officer):

1. **Notifies** an on-duty sergeant

2. **Uploads** and **flags** ICV and BWV with the incident number before going off shift

3. **Documents** the incident, as appropriate

4. **Completes** a Type I Use-of-Force Report in Blue Team by the conclusion of the current shift, unless the sergeant approves an extension

The report will include the following elements (see the officer Type I statement template in Word):

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- Brief summary of the incident
- Description of the Type I force
- Why the force was necessary
- Who screened the incident
- Where the screening occurred
- Anything else noteworthy

8.400-TSK-4 Use of Force – Responsibilities of the Sergeant During a Type I Investigation

When conducting a Type I investigation, the **sergeant**:

1. **Screens** the incident in-person with the involved officer when feasible. The sergeant will document the reason an in-person screening did not occur.

- If there is any uncertainty or concern about the reason or nature of the force used, or the existence of any injury, the sergeant will immediately respond to the scene, unless impractical in the circumstances.

- If the sergeant responds to a scene in which there is an allegation of injury or pain, the sergeant will **photograph** the bodily area at issue and take an overall photo of the subject.

- When a subject is not in custody, the sergeant will request permission before taking photographs.

- When a subject is in custody, the sergeant will take photographs unless the subject refuses and safety dictates, after voluntary and non-coercive attempts fail.

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2. **Determines** if the use-of-force is appropriately classified as a Type I incident.

- If unable to make that determination, the sergeant will consult with a lieutenant or FIT to assist in the determination.

3. **Evaluates** the incident for any concerns (tactical, threat assessment, etc.)

- If it appears that a serious policy violation may have been involved with the use-of-force, the sergeant will ensure that OPA is contacted and consult the FIT team regarding reclassification of the incident as Type II or Type III.

4. **Addresses** any concerns with the involved officer and initiates corrective action, as necessary

5. **Directs** the involved officer to complete a Type I Use-of-Force Report in Blue Team using the involved officer Type I statement template in Word.

6. **Reviews** the Blue Team entry, related documentation, including Reports and Supplements and directs the officer to supply more information, if needed

7. **Orders** the officer to provide additional information or clarification if the Blue Team entry is unclear

8. **Completes** a brief summary of their investigation of the incident in the comments section in Blue Team using the supervisor Type I investigation template in Word.

9. **Forwards** the Blue Team entry to the lieutenant

8.400-TSK-5 Use of Force – Involved Officers’ Responsibilities During a Type II Investigation

Upon being involved in a use-of-force that will be investigated at Type II the **involved officer** (See hyperlink for definition of involved officer):

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1. **Requests** medical attention for any injured persons
2. **Notifies** an on-duty sergeant
3. **Reviews** the incident with the sergeant, unless unreasonable under the circumstances
4. **Uploads** and flags in-car video (ICV) and body-worn video (BWV) with the incident number before going off shift
5. **Completes** Report and Supplements, as appropriate
6. **Completes** a Type II Use-of-Force Report in Blue Team by the conclusion of the current shift, unless exigent circumstances require an extension

The statement will include the following elements (see the officer Type II statement template in Word):

- The name and serial number of the officer who used force
- The names of other officers, whether or not they used force, and identified witnesses present
- A detailed description of the circumstances, and the valid law enforcement objective, that led up to the contact with the subject
- A detailed description of the words, actions or behaviors of the subject that precipitated the need for force
- A detailed description of any force and non-force actions used, how those actions furthered the intended law enforcement objective, and the observed results
- A detailed description of any force clearly observed being used by other officers during this incident

RED HIGHLIGHTS INDICATE WHAT NEEDS TO BE DELETED AND TO A LESSER EXTENT MODIFIED.

YELLOW HIGHLIGHTS ARE SIMPLY TO INDICATE CRUCIAL AREAS IMPACTED BY ORDINANCE.

- A detailed description of any apparent injury to the subject, any complaint of injury, or the lack of injury, including information regarding any medical aid or medical evaluation provided

- The name and serial number of the sergeant who screened the incident

8.400-TSK-6 Use of Force – Responsibilities of Witness Officers During a Type II or Type III Investigation (Not a Firearms Discharge)

A **witness officer** (See hyperlink for definition of witness officer):

1. **Protects** the scene and related evidence
2. **Stands by at the scene** until released by the sergeant (for a Type II investigation) or the FIT supervisor (for a Type III investigation)
3. **Uploads** and **flags** ICV and BWV with the incident number before going off shift
4. **Provides** a Use-of-Force Witness Officer Statement (form 24.5), as directed by the sergeant (for a Type II investigation) or a written or audio recorded statement as directed by the FIT supervisor (for a Type III investigation). If a witness officer is aware that reportable force was used but not reported, the witness officer shall provide the witness statement to his or her supervisor.

8.400-TSK-7 Use of Force – Responsibilities of Witness Officers During a Type III Investigation (Firearms Discharge)

A **witness officer** (See **8.050** for definition of involved officer):

1. **Protects** the scene and related evidence

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2. **Answers** questions posed by a supervisor without being compelled
3. **Conducts** a scene walkthrough and briefings with the FIT detective if directed
4. **Remains** at the scene until directed to respond to the FIT office by FIT personnel
5. **Completes** a written or audio recorded statement prior to the end of shift, as directed by FIT personnel
6. If desired, witness officers who witnessed any portion of the firearms discharge may **contact** a Department-approved mental health professional for a psychological post-incident debrief (Department-approved mental health professionals are specially-trained in debriefing law enforcement incidents)
 - The Department will provide for as many visits as the mental health provider recommends, with an additional visit provided six months after the incident.
 - The witness officer may bring a family member along at no extra charge to any or all covered visits.

8.400-TSK-8 Use of Force – Responsibilities of The Sergeant During a Type II Investigation

When conducting a Type II investigation, the **sergeant**:

1. **Responds** to the scene
2. **Examines** the subject of the force for injury
 - When feasible, the sergeant will **assess** the subject's injuries and **determine** whether the subject's injuries are consistent with the force reported by the officer(s).
3. **Interviews** the subject for complaints of injury

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- The sergeant should record the interview, either with a digital recorder (**preferred**) or BWV if a digital recorder is not available. See **7.110 Recorded Statements** and **16.090 In-Car Video and Body-Worn Video**

4. **Confirms** that appropriate medical aid is offered to any injured party

5. **Obtains** basic information and determines if the incident requires screening with the FIT supervisor

6. **Identifies** and **secures** evidence to enable him or her to summarize the use of force and the facts and circumstances surrounding it, including:

- Physical evidence

- Audio and video recordings

- Photographs- Documentation of the presence or absence of injuries

7. **Attempts** to locate relevant civilian witnesses and **arranges** for witnesses to be interviewed

- An officer who was involved in, or witnessed, the use of force shall not conduct witness interviews.

- If witnesses do not want to be interviewed, the sergeant shall record their contact information.

- Where practicable and warranted in the circumstances, the sergeant will arrange for all interviews with civilian witnesses to be audio recorded. Civilian witnesses shall be interviewed separately, unless unreasonable under the circumstances.

- Interviews of the subject, or the subject's refusal to be interviewed, will be audio recorded via digital audio recording (**preferred**) or via BWV, if feasible.

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- **Documents** all efforts to locate and interview civilian witnesses;

- If no civilian witnesses were located, **documents** that none were found.

8. **Reviews** CAD to make sure that all officers at the scene are contacted to determine if they used or observed force

9. **Reviews** the incident with each involved officer separately, unless unreasonable under the circumstances

- When unreasonable, **documents** the circumstances in the investigative summary

10. **Directs** the involved officer(s) to complete a *Type II Use-of-Force Report* in Blue Team and the witness officer(s) to complete a Use-of-Force Witness Officer Statement (form 24.5)

Exception: Whenever there is an indication of possible criminal conduct by an officer, the officer will not be compelled to provide a statement.

11. **Canvasses** the area for privately-owned video that may have captured the incident, and attempts to obtain copies voluntarily

- If the owner of the video refuses or the video is unavailable, **documents** the location and/or owner

- If no privately-owned video is discovered, **documents** that none was found

- **Documents** all efforts to obtain private video

12. **Photographs** the following:

- The location where the incident occurred, to document damage and to make sure that relevant evidence is collected

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- Any officer injuries or areas of complained injury, and any damaged government or private property
 - When a subject is not in custody, **asks** for permission to photograph injuries
 - When a subject is in custody, **photographs** the subject unless the subject refuses and safety dictates, after voluntary and non-coercive attempts fail
 - **Takes** a minimum of three photos, per subject:
 - Overall photo of the subject
 - Photo of the general area of the injury (arm, neck, etc.)
 - Close-up photo of the injury
 - **Uploads** photos to DEMS
 - **Documents** refusal, as appropriate
13. **Reviews** the officer's Blue Team entry to make sure the account is full and accurate
- **Verifies** that the officer has thoroughly documented all reportable uses of force to the best of their abilities, including a description of each force application
14. **Evaluates** the incident for any concerns (tactical, threat assessment, etc.)
- If it appears that a serious policy violation may have been involved with the use-of-force, the sergeant will ensure that OPA is contacted and consult the FIT team regarding reclassification of the incident as Type III.
15. **Advises** his or her lieutenant of the incident by the end of the shift during which the incident occurred

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16. **Confirms** that all officers who responded to the incident upload their ICV and BWV by the conclusion of their shift

- If any video appears to be missing, **calls** Seattle ITD immediately to request a review of the fail-safe.

- When an administrative lieutenant is not utilized, the sergeant **reviews and bookmarks** any and all relevant and material ICV, BWV, private video, and/or holding cell video related to the incident.

- When an administrative lieutenant is utilized, the sergeant may, but is not required to review any video during the course of his or her investigation.

17. If a TASER was deployed, **arranges for** the TASER data to be downloaded and confirms that data analysis is included in the Use-of-Force Report

18. **Attaches** primary supporting documents (witness statements, etc.) to the Blue Team entry

19. **Provides** an appropriate summary of their investigation of the incident in the comments section in Blue Team using the supervisor Type II investigation template in Word.

- The Use-of-Force Report will include a narrative description of the incident. The narrative will summarize the force used by the officers and the subject, injuries sustained by the subject and the officer, and will describe the sequence of events. Additionally, it will document the supervisor's actions in reviewing or screening the incident.

- The Use-of-Force Report will include documentation of all evidence that was gathered, including physical evidence; photographs; and names, phone numbers, addresses and summaries of statements by all civilian witnesses to the incident.

- In situations where there are no known witnesses, the Use-of-Force Report will specifically state this fact.

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- In situations in which witnesses were present but the author of the report did not determine the identification, phone number or address of those witnesses, the Use-of-Force Report will state the reasons why.

- The Use-of-Force Report shall include the names of all other SPD employees witnessing the use-of-force and summaries of their statements.

- The Use-of-Force Report shall include the sergeant's evaluation of the evidence, including any material inconsistencies that the sergeant perceives in the evidence or statements.

20. **Forwards** a completed Blue Team entry along the chain of command, consistent with the timeline established by the section captain

21. Reviews and approves all associated Reports and Supplements

Exception: Another sergeant may review the documentation if it is impractical for the initial sergeant to do so. The screening sergeant will locate an alternate to perform the review and will inform the reporting officer of the change.

22. **Forwards** the investigation to the next reviewer

- The sergeant forwards the investigation to the administrative lieutenant, when one is being utilized.

- The sergeant forwards the investigation to the unit lieutenant, when an administrative lieutenant is not being utilized.

8.400-TSK-9 Use of Force – Involved Officer's Responsibilities During a Type III Investigation (Not a Firearms Discharge)

Upon being involved in a use-of-force that will be investigated at Type III and does not involve the discharge of a firearm (great bodily harm, substantial bodily harm, deadly

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force, loss of consciousness, neck restraints, carotid restraints, criminal conduct by officers, a serious policy violation by officers, use of stop sticks against a motorcycle), the **involved officer** (See hyperlink for definition of involved officer):

1. **Requests** medical attention for any injured persons
2. **Notifies** an on-duty sergeant for a response
3. **Answers** questions posed by the first arriving sergeant from the Use of Force Public Safety Statement Card (Form 24.3), when directed
4. **Stands by** at the scene until the arrival of the FIT Unit sergeant or the FIT Captain

Exception: When the officer has sustained an injury that requires treatment, biohazard exposure or when there are hazardous conditions at the scene

5. **Participates** in an audio- recorded Type III Use-of-Force interview with the case sergeant and detectives, if requested to do so, by the conclusion of the current shift, unless exigent circumstances require an extension

The interview will include the following elements:

- The name and serial number of the officer who used force
- The names of other officers or identified witnesses present
- A detailed description of the circumstances that led up to the contact with the subject
- A detailed description of the words, actions or behaviors of the subject that precipitated the need for force
- A detailed description of any force and non-force actions used to achieve the law enforcement objective, and the observed results

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- A detailed description of any force clearly observed being used by other officers during this incident
- A detailed description of any apparent injury to the subject, any complaint of injury, or the lack of injury, including information regarding any medical aid or medical evaluation provided
- The name and serial number of the sergeant who screened the incident

8.400-TSK-10 Use of Force – Involved Officer’s Responsibilities During a Type III Investigation (Firearms Discharge)

Upon being involved in a firearms discharge, and after the scene is secure, the **involved officer** (See hyperlink for definition of involved officer):

1. **Notifies** his or her sergeant

If off-duty, **calls** Communications to request that an on-duty SPD lieutenant be notified

2. **Preserves** the condition of his or her discharged weapon

3. **Answers** questions posed by the first arriving sergeant from the Public Safety Officer Involved Shooting Card (Form 18.5), when directed

4. **Remains** at the scene until the FIT Sergeant or Captain arrives.

Exception: When the officer has sustained an injury that requires treatment, biohazard exposure or when there are hazardous conditions at the scene.

5. **Responds** to the FIT office, when directed

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6. **Relinquishes** his or her discharged weapon, when directed by FIT personnel

7. **Conducts** a scene walk-through, if directed

This can occur at any time during the investigation and will be preceded by reasonable notice to the officer. The officer has the option of bargaining unit and legal representation at this walk-through.

8. **Provides** an audio- recorded statement

An audio-recorded statement will be provided by the involved officer as soon as practicable, taking into account the totality of the circumstances, including, but not limited to, the psychological, physiological, and medical condition of the officer, and the complexity of the scene processing.

9. **Completes** a Firearms Discharge Blue Team entry and a Use-of-Force Blue Team entry, at the direction of a FIT supervisor

10. **Contacts** an SPD Firearms Training Unit sergeant to arrange for a function test of the replacement firearm

- This shall occur when practical.

- When the involved officer is notified that the involved firearm has been cleared to be released from the Quartermaster Unit for duty purposes, he or she will function test the weapon at the SPD Range prior to deploying it again for field duty.

11. **Selects** a mental health professional from the list of Department-approved providers and schedules a post- incident appointment within 72 hours of the incident

- This visit must occur before the officer returns to work.

- The Department will provide for as many visits as the mental health professional recommends with an additional visit provided six months after the incident.

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- The involved officer may bring a family member along at no extra charge to any or all covered visits.

8.400-TSK-11 Use of Force – Responsibilities of the Sergeant During a Type III Investigation (Not a Firearms Discharge)

The **sergeant**:

1. **Responds** to the scene

2. **Confirms** that appropriate medical aid is rendered to any injured party

If the subject is transported to a hospital, **verifies** that the subject has been identified and **arranges for** hospital guard, if necessary

3. **Notifies** an on-duty watch lieutenant of the incident

a. **Maintains** control of the scene until the lieutenant arrives

b. **Briefs** the lieutenant

4. Obtains basic information and determines if the incident requires screening with the FIT sergeant

5. This may include completing a Use-of-Force Public Safety Statement Card (form 24.3). If necessary, the sergeant may administratively order any officer to immediately provide public safety information to secure the scene and pursue subjects.

6. **Ensures** the scene is contained

7. **Supports** the involved officer

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- a. **Does not isolate** the involved officer
 - b. **Does not allow** the involved officer to talk to other personnel about the incident
 - c. **Confirms** that the involved officer has access to the following:
 - Food and drink
 - Restroom facilities
 - Telephone
 - Representative from his or her collective bargaining unit
 - d. **Does not allow** the involved officer to sit in the back seat of a police vehicle
 - e. **Avoids** making the involved officer feel like a suspect
 - f. **Assigns an officer** to standby with the involved officer, if appropriate
8. **Attempts** to locate and identify civilian witnesses and request that they stand by to be interviewed by FIT personnel
- If witnesses do not want to be interviewed, the sergeant shall record their contact information.
9. **Turns** the scene over to the arriving FIT personnel
10. **Gives** any Use-of-Force Public Safety Cards to the FIT Unit sergeant or FIT Captain upon their arrival
11. **Complies** with directions from the FIT Captain

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12. **Assigns** an officer to complete the Report and Supplements

13. **Confirms** that all officers who responded to the incident upload their ICV and BWV by the conclusion of their shift

- If any video appears to be missing, **calls** Seattle ITD immediately to request a review of the fail-safe.

14. **Evaluates** the incident for any concerns (tactical, threat assessment, etc.)

a. If it appears that a serious policy violation may have been involved with the use-of-force, the sergeant will **ensure** that OPA is contacted.

b. **Advises** the FIT Sergeant of any other concerns noted.

8.400-TSK-12 Use of Force – Responsibilities of the Sergeant During a Type III Investigation (Firearms Discharge)

During the investigation of a firearms discharge, the **patrol sergeant**:

1. **Responds** to the scene

2. **Advises** communications of his or her assumption of command

3. **Confirms** that the necessary medical aid requests have been made

4. **Completes** a Public Safety Statement Officer Involved Shooting Card (form 18.5) for the involved officer, if feasible.

5. Immediately **broadcasts** the information obtained from the Public Safety Statement Card to enhance public safety and assist with the capture of outstanding suspects.

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6. **Initiates** Incident Command System (ICS)

7. **Attempts** to locate and identify civilian witnesses and **requests** they stand by to be interviewed by FIT personnel

- If witnesses do not want to be interviewed, the sergeant records their contact information.

8. If the subject is transported to a hospital, **verifies** that the subject has been identified and **arranges** for hospital guard

9. **Notifies** an on-duty lieutenant

10. **Maintains** control of the scene until the lieutenant arrives

11. Upon the arrival of the lieutenant, **relinquishes** command of the scene, after an in-person briefing

- **Coordinates** with the lieutenant to make sure that, at a minimum, notification is made to the captain in whose precinct the incident occurred and the section captain for the involved officer(s)

12. **Requests** the response of the FIT

13. **Relieves** the involved officer of any scene-related duties

- If it becomes unsafe for the involved officer(s) to remain at the scene (an injury requiring medical attention or an unruly crowd, etc.) the patrol supervisor arranges for the involved officer to be transported to a hospital or to the FIT office, as appropriate

14. **Assigns** an officer to standby and accompany the involved officer

a. If there are multiple involved officers, **assigns** an officer to each

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b. The officer(s) assigned to the involved officer(s) shall not be witness officer(s) nor union representative(s)

15. **Confirms** that the involved officers understand they are not to change the condition of their weapon or appearance of their uniform, except at the direction of the FIT.

Exceptions to the uniform requirement include but are not limited to an officer's uniform being contaminated with bio-hazard material

16. **Supports** the involved officer

a. **Confirms** that the involved officer has access to a representative from his or her collective bargaining unit

b. **Confirms** that the involved officer has access to food and drink, restroom facilities, and a telephone

c. **Does not allow** the involved officer to talk to other personnel about the incident

d. **Does not seat** the involved officer in the back seat of a police vehicle

e. **Avoids** any action that may make the involved officer feel like a suspect

17. **Remains** at the scene to coordinate scene security

18. **Gives** the Public Safety Statement Card(s) to the FIT sergeant or FIT Captain upon arrival

19. **Confirms** that the necessary Reports and Supplements have been completed and approved/delivered before involved personnel go off shift

20. **Confirms** that all officers who responded to the incident upload their ICV and BWV before going off shift

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- If any video appears to be missing, calls Seattle ITD immediately to request a review of the fail-safe.

21. **Evaluates** the incident for any concerns (tactical, threat assessment, etc.)

a. If it appears that a serious policy violation or criminal conduct may have been involved with the firearms discharge, the sergeant will **contact** the OPA representative on-scene

b. **Advises** the FIT Sergeant of any other concerns noted.

8.400-TSK-13 Use of Force – Responsibilities of the Watch Lieutenant During a Type III Investigation (Not a Firearms Discharge)

Upon notification of a Type III investigation the **watch lieutenant**:

1. **Responds** to the scene
2. **Advises** dispatch that he or she has assumed command
3. **Confirms** that the involved officer's bargaining unit is made aware of the incident
4. **Notifies** a CISM representative of the incident, if appropriate
5. **Ensures** that the Use of Force Public Safety Statement Card (Form 24.3) has been read and questions have been answered
6. **Relinquishes** control of the inner perimeter of the scene to the FIT sergeant or FIT Captain upon their arrival
7. **Maintains** control of the outer perimeter until the scene is cleared by the FIT

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8. **Evaluates** the incident for any concerns (tactical, threat assessment, etc.)

a. If it appears that the force used involves potential criminal conduct or a serious policy violation on the part of the officer, the lieutenant will **ensure** that OPA is contacted.

b. **Advises** the FIT Lieutenant or FIT Captain of any other concerns noted.

8.400-TSK-14 Use of Force – Responsibilities of the Lieutenant or Captain During a Type III Investigation (Firearms Discharge)

During the investigation of a firearms discharge, the **on- scene Lieutenant or Captain:**

1. **Responds** to the scene

- If the discharge occurred in another jurisdiction, responds to the location if it is within a reasonable distance

2. **Advises** communications of his or her arrival and assumption of command

3. **Confirms** that Incident Command has been established and the proper duties have been delegated

4. **Ensures** that the correct Public Safety Statement Officer Involved Shooting Card (Form 18.5) has been read and questions have been answered.

5. **Provides** the appropriate level of command and command structure to achieve scene preservation and crime scene integrity

6. **Maintains** command of the scene until the FIT sergeant or Captain arrives.

7. Upon arrival of the FIT sergeant or captain, **relinquishes** the inner perimeter of the scene

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8. **Confirms** that all officers directly involved in the firearms discharge respond to the FIT office, when directed to do so by the FIT sergeant or captain

9. **Confirms** the involved officers are accompanied by other officers, if appropriate

10. **Notifies** the duty captain

11. **Confirms** that a representative of the appropriate collective bargaining unit is notified of the incident

12. If appropriate, **assists** with coordinating a Crisis Management Briefing for officers who are not involved officers in the firearms discharge, as recommended by the CISM team leader

13. **Coordinates** with the FIT Captain to make sure that all existing reports, documents and officer statements are immediately routed to the FIT

14. **Evaluates** the incident for any concerns (tactical, threat assessment, etc.)

a. If it appears that a serious policy violation or potential criminal conduct may have been involved with the firearms discharge, **contacts** the OPA representative on-scene

b. **Advises** the FIT Lieutenant or FIT Captain of any other concerns noted.

8.400-TSK-15 Use of Force – Responsibilities of the FIT Case Detective During a Type III Investigation (Firearms Discharge)

During the investigation of a firearms discharge, the **FIT case detective**:

1. **Responds** to the scene

2. **Arranges** for a canvass for any witnesses and privately-owned video

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3. **Determines** if there is an immediate need for any ICV (in-car video,) BWV (body-worn video) or HCV (holding cell video) download
4. **Participates** in the compelled in-person interview of the involved officer(s)
5. **Participates** in any interview or statement review of the witness officers
6. **Takes custody** of the weapon used by the involved officer in the condition it was in after being fired and performs a round count
7. **Confirms** the involved officer's firearm is placed into Evidence

8.400-TSK-16 Use of Force – Responsibilities of the FIT Unit Sergeant During a Type III Investigation (Not a Firearms Discharge)

During a Type III investigation, the **FIT Unit sergeant**:

1. **Confirms** that the scene is photographed and processed either by FIT detectives or CSI detectives
2. **Confirms** that ICV and BWV from involved officers is uploaded prior to them going off shift
- If any video appears to be missing, **calls** Seattle ITD immediately to request a review of the fail-safe.
3. **Reviews** CAD to make sure that all officers at the scene are contacted to determine if they used or observed force
4. **Arranges** for all involved officers to provide an audio-recorded use-of-force statement as directed by the FIT Captain

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- The FIT Captain **directs** officers who used Type I or Type II force to complete Blue Team entry or provide an audio recorded statement.

- **Verifies** that the officers who have provided statements have thoroughly documented all reportable uses of force to the best of their abilities, including a description of each force application

Exception: If information suggests possible criminal conduct by an officer, that officer will not be compelled to provide a use-of-force statement or a recorded interview prior to the conclusion of any criminal investigation.

5. **Arranges** for all witness officers to provide a statement

6. **Oversees** the FIT investigation, per the FIT manual

- If a FIT investigation, at any point, reveals that the force used involves potential criminal conduct or a serious policy violation on the part of the officer, FIT supervisor will **contact** OPA.

8.400-TSK-17 Use of Force – Responsibilities of the FIT Unit Sergeant During a Type III Investigation (Firearms Discharge)

During the investigation of a firearms discharge, the **FIT sergeant**:

1. **Responds** to the scene

2. **Arranges** for documentation of the scene and evidence collection by Crime Scene Investigation personnel

3. **Coordinates** with the on-scene sergeant to make sure that Offense Reports and Supplements are immediately approved

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- If any video appears to be missing, **calls** Seattle ITD immediately to request a review of the fail-safe.

4. **Confirms** that ICV and BWV from involved officers is uploaded prior to them going off shift

5. **Reviews** CAD to make sure that all officers at the scene provide statements

- **Verifies** that the officers who have provided statements have thoroughly documented all reportable uses of force

6. **Verifies** the involved officer is placed in a conference / soft interview room at the FIT office

7. **Participates** in the compelled in-person interview of the involved officer(s)

Exception: If information suggests possible criminal conduct by an officer, that officer will not be compelled to provide a written or audio recorded statement prior to the conclusion of any criminal investigation.

8. **Completes** and provides all involved officers with an Officer Involved Shooting Post-Incident Checklist. Supervises the investigation of the incident, per the FIT manual

- If a FIT investigation, at any point, reveals that the force used involves potential criminal conduct or a serious policy violation, on the part of the officer, the FIT supervisor will **contact** OPA.

8.400-TSK-18 Use of Force – Responsibilities of the FIT Captain During a Type III Investigation (Not a Firearms Discharge)

Upon notification of a Type III investigation, the **FIT Captain**:

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1. **Assumes** control of the inner perimeter of the scene
2. **Compels** officers who used force to provide an in-person interview if necessary and consistent with the requirements of the FIT Manual
3. **Arranges** for an OPA representative and a Training Section representative to respond to the investigation, and **notifies** the Office of Inspector General of the incident
4. **Completes** a Use-of-Force Major Incident Summary and **routes** it to the involved officers' chain of command and the command staff, as well as the FIT Unit chain of command
5. **Monitors** the investigation
6. **Evaluates** the incident for any concerns (tactical, threat assessment, etc.)
 - If it appears that the force used involves potential criminal conduct or a serious policy violation on the part of the officer, the captain will **ensure** that OPA is contacted.
7. **Presents** the complete investigation to the Force Review Board
8. **Conducts** any briefings or presentations to Command Staff regarding the incident

8.400-TSK-19 Use of Force – Responsibilities of the FIT Captain During a Type III Investigation (Firearms Discharge)

During the investigation of a firearms discharge, the **FIT Captain**:

1. **Responds** to the scene
2. **Assumes** control of the inner perimeter of the scene

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3. **Contacts** the Critical Incident Stress Management team leader to coordinate a response from a CISM team member

4. **Arranges** for an OPA representative and a Training Section representative to respond to the investigation, and **notifies** the Office of Inspector General of the incident

5. **Completes** a Use-of-Force Major Incident Summary and **routes** it to the involved officers' chain of command and the command staff, and the FIT Unit chain of command

6. **Monitors** the investigation

7. **Evaluates** the incident for any concerns (tactical, threat assessment, etc.)

- If it appears that the force used involves potential criminal conduct or a serious policy violation on the part of the officer, the captain will **ensure** that OPA is contacted.

8. **Presents** the complete investigation to the Force Review Board

- **Ensures** the involved officers are provided a CISM Lethal Force Incident booklet

9. **Ensures** the officer has access to

- Food and drink

- Restroom facilities

- Telephone

- Bargaining unit representative

- Legal representative

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10. **Provides** the involved officer(s) with a copy of the Police Officers Bill of Rights during their in-person interview and **compels** their participation, consistent with the requirements of the FIT manual.

11. Coordinates with CSI who will **Provide** the involved officer(s) with a replacement weapon

a. This will normally occur at the scene if the involved officer is still on scene when FIT arrives, and otherwise will occur at the FIT office

b. No immediate replacement will be provided for a Department-issued long gun

12. **Maintains** overall responsibility for the investigation

13. **Facilitates** return to work plan for involved officer.

a. **Notifies** the Involved officer's captain when the involved officer has been approved through their post-incident debriefing to return to work.

b. Together with the involved officer's captain, **briefs** Chief of Police and command staff at next scheduled command staff meeting for a decision regarding return to work.

8.400-TSK-20 Use of Force – Responsibilities of the Duty Captain During a Type III Investigation (Firearms Discharge)

During the investigation of a firearms discharge, the **duty captain**:

1. **Verifies** the following notifications are made:

- Section captain of the involved officer(s)

- Assistant Chief of the involved officer(s)' bureau

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- Office of the Chief

- Public Affairs Unit

8.400-TSK-21 Use of Force – Responsibilities of the Training Unit Representative During a Type III Investigation

The **Training Unit representative**:

1. **Responds** to the scene at the request of the FIT Captain
2. **Consults** with the FIT sergeant overseeing the investigation in order to identify any Department-wide policy or training issues
3. **Functions** as a liaison and fulfills all requests from the FIT Unit

8.400-TSK-22 Use of Force – Role of the Office of Police Accountability (OPA) Representative During a Type III Investigation

The **OPA representative** will have no investigative role at the scene but:

1. **Consults** with the FIT Captain overseeing the investigation in order to identify any serious policy violations
2. **Functions** as a liaison to the FIT Unit

8.400-TSK 23 Use of Force – Role of the Office of Inspector General Representative During a Type III Investigation

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The **Inspector General Representative**

1. **Consults** with the FIT Captain overseeing the investigation
2. **Functions** as a liaison to the FIT Unit

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8.500 - Reviewing Use of Force

Effective Date: 09/15/2019

Timely and thorough review of all uses of force a critical priority of the Department. By dynamically analyzing tactics, training, policies, processes and procedures, the Department learns important lessons from every significant use-of-force incident.

8.500-POL-1 addresses general principles of force review.

8.500-POL-2 addresses command review of use-of-force.

8.500-POL-3 addresses the Force Review Unit.

8.500-POL-4 addresses the Force Review Board.

8.500-POL-5 addresses expedited summary review for specific firearms discharges.

8.500-POL- 6 addresses investigation and review of force used during crowd management events.

8.500-POL-1 Use of Force – General Principles

1. All Reviews Must Be Completed in a Timely Manner

For all reviews, furloughs, vacations, extended sick leave or any other absence from work are not considered valid reasons for delaying the review process. Each level of review is expected to have a sufficient number of personnel trained in the review process to sustain the review process in a timely manner. In the case of absences from work, the reviewer or his or her designee will assign another supervisor to complete the review of the use-of-force report.

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2. All Reviewers Shall Evaluate Use-of-Force With Regard to Department Policy

3. Each Reviewer Shall Ensure That the Use-of-Force Report is Thorough and Complete and Contains All Necessary Documentation and Evidence

The reviewer shall return the use-of-force report to the investigator if it is determined that an investigation is not thorough or complete.

4. Each Reviewer Shall Address Any Discrepancy, Confusion or Lack of Relevant Information Prior to Completing the Applicable Blue Team Entry

Any noted discrepancies will be returned to the investigating sergeant or the FIT detective.

Means of addressing these issues include:

- Supplementary statements from officers
- Supplementary statements from subjects or witnesses
- Requiring additional investigation

If such issues cannot be resolved, the issue will be noted in Blue Team, as applicable.

5. Reviewers Will Immediately Address Concerns That Arise During Use-of-Force Investigations or Review and/or Recommend Additional Action

If a reviewer identifies concerns that have not been sufficiently addressed, the reviewer will address those concerns.

The reviewer will take appropriate action and/or recommend a course of action, such as:

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- Referral to the Office of Police Accountability (OPA)
- Referral to Training
- Supervisory counseling or mentoring

Identified concerns and supervisory actions will be documented in PAS and mentioned in Blue Team, as applicable.

***Note:** A referral to OPA does not bar other referrals/actions. Reviewers can and should make additional recommendations for addressing a particular concern other than any discipline that may be recommended by OPA. Any questions regarding what constitutes discipline for this purpose should be referred to SPD Human Resources.

6. Reviewers Shall Refer Serious Policy Violations, as well as Potential Criminal Conduct to the OPA

If it appears that a serious policy violation may have been involved in the use of force, the supervisor shall ensure that the Office of Police Accountability is contacted and consult the FIT commander regarding reclassification of the incident as a Type II or Type III investigation, if appropriate.

The supervisor will note the OPA referral in Blue Team, as applicable, but shall not take disciplinary action.

Exception: When a serious policy violation comes to the attention of the FRB members only through their participation on the Board and reviewing cases in connection with the Board, the member is not required to notify OPA. If the FRB determines that there is a serious policy violation the referral to OPA shall be made by the FRB chair. This provision does not prohibit any individual member of the board making a personal referral to OPA.

Certain policy violations (See Sections [5.002](#) and [5.003](#)) may be handled directly by the chain of command.

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7. Only the Chief of the Seattle Police Department Has the Authority to Make Policy for the Department

No other Department employee has the authority to ratify the actions of any Department employee.

8. The Office of the Chief Shall Conduct a Documented Annual Analysis of All Reported Uses of Force by the Seattle Police Department

8.500-POL-2 Use of Force – Command Review of Force

1. The Reporting Supervisor Will Complete all Handcuff Discomfort Reports and then Forward to the Force Review Unit for Tracking

2. The Reporting Officer's Chain of Command, to the Rank of Captain, Will Review all Type I and Type II Use-of-Force Reports

Type I use-of-force reports will be routed in the following order:

1. Sergeant
2. Lieutenant
3. Captain or designated Operations Lieutenant
4. Force Review Unit

Type II use-of-force reports will be routed in the following order:

1. Sergeant
2. Administrative Lieutenant (when utilized)

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3. Lieutenant

4. Captain

5. Force Review Unit, and as necessary, the Force Review Board

3. For a Type II Investigation, the Precinct Chain of Command Must Review Video

The administrative lieutenant, when utilized, must review and bookmark all video necessary for a decision-maker to make an informed decision about the force and the surrounding circumstances. When an administrative lieutenant is not utilized, the forgoing responsibilities fall on the investigating sergeant. The reviewing lieutenant must review video pertinent to the use of force as bookmarked by the administrative lieutenant or investigating sergeant.

The captain is ultimately responsible for ensuring that all video has been sufficiently reviewed.

4. The Precinct or Section Captain Shall Designate the Time Frames for Sergeant Investigation and Lieutenant Review

The precinct captain shall determine a reasonable time limit based upon the totality of the circumstances for the lieutenant review and sergeant investigation. The precinct captain is responsible to ensure that all use-of-force reports are forwarded to the FRU within 30 calendar days of the date the force was used.

In exceptional cases, when workload issues will preclude timely review, the captain may request assistance from other trained personnel, and/or an extension of time from the appropriate bureau chief.

If a report is delayed beyond this time limit, the reason for the delay will be documented in Blue Team.

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5. The Sergeant Shall Begin the Investigation and Forward It to the Administrative Lieutenant When Appropriate

See [8.500-TSK-2](#) Role of the Administrative Lieutenant.

6. For Type I and Type II Investigations, the Reviewing Lieutenant (Not the Admin Lieutenant) Will Make Determinations Regarding the Use-of- Force

The lieutenant will address the following elements, and document them in Blue Team using the template in Word:

- Whether the Use-of-Force report is thorough and complete
- Whether the force used was necessary and objectively reasonable
- Whether the force used was consistent with Department policy
- Whether any concerns have been sufficiently addressed
- Identification of any additional concerns and the action taken to address them.

Exception: For review of force used by a lieutenant or above, the designated primary reviewer will be a supervisor of higher rank in the employee's chain of command.

7. For Type I and Type II Investigations, the Lieutenant (Not the Admin Lieutenant) Shall Complete Review and Forward Reports to the Precinct or Section Captain

8. The Precinct or Section Captain Will Review the Lieutenant's Determinations on Use-of-Force. For Type I Investigations the Operations Lieutenant May Review the Lieutenant's Determinations on Use-of-Force

The review will include the following aspects, documented in Blue Team using the template in Word:

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- Whether the investigation and documentation are thorough and complete
- Whether the findings of the reviewing lieutenant are supported by a preponderance of evidence
- Whether concerns identified by the sergeant and/or lieutenant have been sufficiently addressed
- Identification of any additional concerns and the action taken to address them

9. When a Reviewer Requests Revisions From a Previous Reviewer or the Investigating Sergeant, He or She Must Detail the Requested Revisions in Blue Team

10. Force is Reviewed at the Highest Level of Any Single Involved Employee Based on the Information the Investigating Supervisor has at the Time of the Incident

The use of force may be reclassified during or after the course of the investigation to capture the actual level of force that an employee used.

11. During or After the Course of a Use-of-Force Investigation any Reviewing Lieutenant or Captain May Re-Classify the Investigation to the Appropriate Type

In reviewing a sergeant's investigative summary, a lieutenant or captain may determine that the initial classification was inappropriate. (E.g., The lieutenant or captain may discover that an incident that was initially investigated as Type I met the criteria to be investigated as Type II.) In such cases, the lieutenant or captain will re-classify the investigation to the appropriate type and return it to the investigator for necessary action. (E.g., When a lieutenant or captain re-classifies a Type I investigation to a Type II, he or she will return it to the sergeant to obtain witness statements, etc.) This can apply to an entire incident, as well as to individual involved officers within an incident.

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The FIT Captain will determine whether a FIT Investigation will be conducted for any use-of-force incident referred to FIT.

A bureau chief may order a FIT response and investigation.

12. Once an Investigation Has Been Completed, the Precinct or Section Lieutenant or Captain May Re-Classify a Use-of-Force Incident

The sergeant may recommend re-classification.

This policy recognizes that the type of investigation that is required for an incident does not always reflect the level of force that an officer used. Once an investigation is completed, the captain may re-classify each involved officer's use-of-force, as appropriate. The intent is to comply with all reporting and investigation criteria while also maintaining an accurate record of the actual force used by officers.

13. The Force Review Unit Will Review any Force Reclassifications and May Overrule the Chain of Command Decision

14. For Type I and Type II Investigations, the Precinct or Section Captain Shall Forward Completed Use-of-Force Reports to the Force Review Captain Within 30 Calendar Days of the Use-of-Force Incident

In exceptional cases, when workload issues preclude timely review, the captain may request assistance from other trained personnel, and/or an extension of time from the appropriate bureau chief.

If a report is delayed beyond this time limit, the captain will document the reason for the delay in Blue Team.

After completing the review of a Type I Use-of-Force Report, the captain will forward the report to the Force Review Unit if there are no issues.

If there are issues, the captain will send the report back to the officer, via the chain of command, or appropriate supervisor in the chain of command to correct the issues.

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15. Precinct Captains and Lieutenants Will Closely and Effectively Supervise Those Sergeants and Officers Under Their Command to Ensure They Identify and Effectively Respond to Uses of Force

The FRB will provide monthly reports to precincts on use-of-force using the Data Analytics Platform Use-of-force dashboard. Precinct captains and watch lieutenants will review these reports. The reports will contain:

- Case statistics
- Number of use-of-force cases that occurred, by type (i.e., Type I, Type II, Type III)
- Number of Type I and Type II use-of-force cases for which review was completed, by type
- Number of cases referred to:
 - Office of Police Accountability
 - Education and Training and Section
 - Supervisory counseling/guidance
- Themes, trends, and learning opportunities identified

Precinct captains will ensure the monthly precinct report is distributed as roll call training and as a group e-mail throughout the precinct. Precinct captains will respond to FRB reports that identify themes, trends, or learning opportunities with specific actions taken.

16. The Force Review Unit Will Ensure That All Type I Use-of-Force Reports Are Complete

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The function of the FRU is to conduct a quality check to determine if Type I Use-of-Force reports meet basic requirements.

See [8.500-POL-3](#) Force Review Unit.

17. The Force Review Unit Will Review All Type II Use-of-Force Reports

The function of the FRU is to conduct an administrative review of Use-of-Force incidents.

See [8.500-POL-3](#) Force Review Unit.

18. The Force Review Board Will Review All Type III Uses-of-Force, and all Type II Uses-of-Force Referred to it by the Force Review Unit

See [8.500-POL-4](#) Force Review Board.

The Chair of the FRB shall forward FRB findings to the appropriate chain of command, once reviewed by the Assistant Chief of the Professional Standards Bureau

19. The Bureau Chief Will Review FRU and FRB Determinations on Use-of-Force Incidents

8.500-POL-3 Use of Force – Force Review Unit

1. The Force Review Unit Will Ensure That All Type I Use-of-Force Reports Are Complete

2. The Force Review Unit Shall Review all Type II Use-of-Force Reports

3. The Force Review Unit Detectives Shall Review all Type II Uses of Force

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The detectives shall identify any areas of concern and immediately inform the Force Review Sergeant.

4. The Force Review Unit Sergeant Shall Immediately Inform the Force Review Lieutenant of Any Actions That Appear to Involve a Policy Violation by Any of the Officers

a. The Force Review Unit Lieutenant Shall Review the Case Then Forward the Case with Comment to the Force Review Captain for Immediate Review

b. The Force Review Unit Captain Shall Forward Cases Involving a Serious Policy Violation to OPA for Investigation

In cases where a violation of Title 8 is referred to OPA, the FRU will not issue a finding in terms of compliance to policy but will defer to the findings of the OPA investigation. This will not preclude the FRU's review from identifying performance issues, training issues or other non-policy related recommendations related to the use of force or the case in general.

5. The Education and Training Section is a Resource for the Force Review Unit and Provides Subject Matter Expertise on Questions of Training.

Training shall have access to all Type II uses of force for review.

6. Once the Detective's Review of the Use-of-Force is Complete, the Force Review Unit Sergeant Shall Forward the Report to the Force Review Lieutenant for Review

7. The Force Review Unit Lieutenant Shall Review the Detectives' Review, Make Finding Recommendations, and Forward to the Force Review Captain

8. The Force Review Unit Captain Shall Review the Force Review Lieutenant's Recommendations and Either Document Their Concurrence or Make Additional Recommendations

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9. The Force Review Captain May Re-Classify a Use-of-Force Incident

The FRU sergeant and FRU lieutenant may recommend re-classification.

This policy recognizes that the type of investigation that is required for an incident does not always reflect the level of force that an officer used. Once an investigation is completed, the captain may re-classify each involved officer's use-of-force, as appropriate. The intent is to comply with all reporting and investigation criteria while also maintaining an accurate record of the actual force used by officers.

10. Upon Completion of the FRU or FRB Findings, the Use-of-Force Classification Shall Not be Altered

11. The Force Review Unit Lieutenant and Captain Will Refer Cases for Full Board Review

Cases involving the following will be referred to the FRB:

- Serious policy violation
- When FIT was contacted for Type III screening and declined to respond or investigate
- This does not include instances when FIT was contacted for consultation regarding the appropriate classification of an investigation.
- When less-lethal tools were used on the subject
- When a canine makes physical contact with the subject
- Crowd management events and major incidents

The lieutenant and captain will consider the following when determining whether to refer a case for full board review:

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- Severity of injury to the suspect (including whether the subject was transported to the emergency room)
- Severity of the crime at issue
- (e.g. Whether obstructing a public officer was the only crime or whether the initial contact was for a civil infraction)
- Whether the suspect posed an immediate threat to the safety of officers or others
- Whether the suspect actively resisted or attempted to evade arrest by flight
- Any policy, training, or equipment issues
- Whether there is a special departmental interest in a particular case (e.g., media inquiries)

12. The Force Review Unit Captain Will Refer an Additional Ten Percent of the Cases Received Each Month for Review by the Full Board

These cases will be selected through random, blind sampling by the FRU after the review. See [8.500-TSK-1](#) Selecting Cases for Full Board Review.

The purpose of this review is quality assurance. The FRB will review the selected cases in the same manner as any other case and will make independent findings, which will be the controlling findings for the force review process.

The Assistant Chief of the Professional Standards Bureau will critically examine the reviews by the FRU and the FRB and identify material differences. Material differences between the findings, recommendations, and referrals of the FRU and FRB are recorded in the final findings document and communicated back to the FRU.

8.500-POL-4 Use of Force – Force Review Board

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1. The FRB Will Review All Type III Use-of-Force Investigations and Type II Use-of-Force Reports as Referred by the Force Review Unit

The FRB will conduct timely, comprehensive, and reliable reviews of Type II cases referred by the FRU, and all Type III cases, and will determine:

- Whether the investigation is thorough and complete.
- Whether the force was consistent or inconsistent with SPD policy, training, and core principles.
- Whether, with the goal of continual improvement, there are considerations that need to be addressed regarding, among other concerns:
 - De-escalation
 - Supervision
 - Equipment
 - Tactics
 - Training
 - Policy
 - Department best practices
- Review each use-of-force packet to determine whether the chain of command has appropriately identified and taken actions to correct any deficiencies in the way the incident was handled
- Confirm that uniform standards are applied in Use-of- Force practices

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- Identify instances, trends, or patterns of deficiencies regarding policy, training, equipment, or tactics
- Monitor all aspects of the Department's Use-of-Force practices with the goal of continual improvement

2. The FRB May Also Review Fatal and Significant Injury Events That Involve Vehicle Pursuits, as Well as Other Critical Incidents as Assigned by the Chief of Police

3. The Assistant Chief of the Professional Standards Bureau Shall Select the Standing Members of the FRB

The FRB shall be comprised of the following:

- One representative from the Training Section
- Three representatives from the Patrol Operations Bureau
- One representative from the Audit, Policy and Research Section
- One representative from the Investigations Bureau
- One additional representative as needed from any Bureau

4. Each Standing Member Shall Serve a Minimum Term of 18 Months

Attendance at board meetings is mandatory. Any board member who is unable to attend a meeting shall notify the Force Review Board Chair and find a suitable replacement. Replacements must meet all the requirements of permanent FRB members and be approved by the Assistant Chief of the Professional Standards Bureau.

5. Each Standing FRB Member is Required to Attend a Minimum of 8 Hours of Annual FRB Training

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Basic annual training for FRB standing members will focus on use-of-force practices, including but not limited to:

- Legal updates regarding use-of-force
- Use-of-force investigation
- Curriculum utilized by the Education and Training Section regarding use-of-force and de-escalation

Standing members must also, at a minimum:

- Attend all required Department training
- Receive training in Department Crisis Intervention techniques
- 8-hour initial course
- Additional refresher training as required by the Crisis Intervention Team program, in consultation with the Captain of the Education and Training Section

6. The Force Review Captain is the Standing Chair of the FRB

The Deputy Chief or any Assistant Chief (or designee) may chair the FRB as required by Departmental needs.

The Chair has operational control of the FRB.

7. All Board Determinations will be Made by Majority Vote

Quorum is four. The Force Review Board Chair shall vote in cases where the vote is evenly split.

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8. Observers and Consultants are Not Permitted to Vote

Only members of the FRB may participate in the deliberations during the Force Review Board.

Only Standing Members of the FRB Are Permitted to Vote.

Consultants include any subject matter experts, beyond Standing Members, whom the Chair feels would be helpful in reviewing particular incidents.

The FRB may consult with other advisors as necessary.

Attendance at the board is limited as follows:

- A civilian observer, appointed by the Mayor in accordance with Ordinance #118482, shall attend all FRB meetings that involve the review of an officer-involved shooting
- A representative from the involved officer's union may attend all FRB meetings that involve the review of an officer-involved shooting
- Captains and higher, as well as representatives from the Legal Unit and OPA, may attend FRB meetings and ask questions, but they are not permitted to vote.
- All other observers need permission from the Assistant Chief of the Professional Standards Bureau to attend FRB meetings.

9. The Chair Shall Record All Findings of the Board

The Chair will be responsible for the following determinations, and will document them in IAPro:

- Whether the investigation is thorough and complete.

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- Whether the force was consistent or inconsistent with SPD policy, training, and core principles.
- Whether, with the goal of continual improvement, there are considerations that need to be addressed regarding:
 - De-escalation
 - Supervision
 - Equipment
 - Tactics
 - Training
 - Policy
 - Department best practices

10. FRB Chair Shall Refer Serious Policy Violations to OPA

The FRB shall refer all serious policy violations to OPA. The determination of whether the act at issue warrants such referral shall be determined by majority vote of the FRB or at the discretion of the Chair.

When a serious policy violation comes to the attention of a FRB member only through their participation on the FRB, the member is not required to make an OPA referral that might otherwise be required under 5.002. This provision does not prohibit any individual member of the board making a personal referral to OPA.

The FRB will not make recommendations concerning discipline.

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11. The FRB May Review and Make Recommendations to Matters Under OPA Investigation, But Will Not Make a Final Determination on these Matters, Unless Requested by the OPA Director or the FRB Chair

12. Type III Use-of-Force Investigations Will Be Presented to the FRB by the Captain of the Force Investigation Team, or Their Designee

13. The FRB Chair Will Refer Policy, Equipment, and Training Issues to the Assistant Chief of the Professional Standards Bureau as an FRB Action in Blue Team

As appropriate, the Assistant Chief of the Professional Standards Bureau shall forward for follow-up any policy, equipment or training recommendations from the board to the appropriate bureau chief or section for review or follow-up.

- Individual training recommendations will be referred to the chain of command of the involved officer for follow-up.

The assigned unit will be given a response date that will be tracked by the Professional Standards Bureau.

The captain of the assigned unit shall report via the FRB Action in Blue Team the status of any recommendations assigned by their bureau chief, to include any actions taken. If either the bureau chief or the captain determines that the recommendation will not be implemented, he or she shall document the reasons why it will not be implemented.

The Professional Standards Bureau will maintain a record of all recommendations and their status.

8.500-POL-5 Use of Force – Expedited Summary Review

1. At the Discretion of the Assistant Chief of the Professional Standards Bureau, a Summary Review of the Firearms Discharge is Allowed Under Certain Circumstances

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A summary review is limited to a review of the completed investigation by FIT and the Chair of the FRB without presenting the case to the FRB. Incidents qualifying for summary review are forwarded to the Chair of the FRB by the FIT Captain.

a. Summary Review is Only Allowed Under the Following Circumstances:

- Unintentional discharge that does not strike a person or cause concern for public safety; or
- Discharge at an animal, regardless of whether the animal was killed or injured.

b. If New Information Arises at Any Time During the Summary Review Process That the Chair of the FRB concludes Justifies Review by the FRB, the Incident Will Be Presented to the FRB

2. A Summary Review Will Normally Be Completed Within 60 Days of the Incident

8.500-POL-6 Use of Force – Crowd Management

This policy applies to the review of the investigation of uses of force that occur during the course of crowd management. For more information about crowd management, [See 14.090 – Crowd Management.](#)

1. Incident Commander is Responsible for Reporting Type I Uses of Force Ordered During Crowd Management

For reporting purposes, use of a police line to move crowds where contact occurs will be assumed to involve at least Type I force.

Involved officers do not submit statements for Type I force ordered during crowd management. Regular Type I reporting and investigation protocol applies for individualized Type I force that occurs separate from crowd management tactics.

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YELLOW HIGHLIGHTS ARE SIMPLY TO INDICATE CRUCIAL AREAS IMPACTED BY ORDINANCE.

2. Command Review of Use-of-Force – Crowd Management

- Any commander who directs or authorizes the use of force in a crowd-management setting shall complete a Blue Team entry. The Blue Team entry will correspond with the highest level of force used by any individual officer during the directed use-of-force.
- The Crowd Management Force Investigation Team (CM FIT) will be comprised of a group of detectives, sergeants and lieutenants selected by the Incident Commander. The CM FIT will be responsible for investigating all Type II uses of force that occur during crowd management.
- Review of Type II Use-of-Force Reports shall be completed by a captain or above who was not involved with the event as designated by the Deputy Chief.
- The reviewing captain shall submit approved Type II Use-of-Force Reports to the Force Review Unit.
- Type III uses of force shall be investigated and reviewed by FIT.

3. The Force Review Unit Reviews all Type II Uses of Force That Occur During Crowd Management, as Set Forth in 8.500-POL-3

4. The Force Review Board Shall Also Review all Crowd Management Events and Major Incidents

For the review of crowd management, the board shall include two additional voting members. Both of these members shall be either a lieutenant or a captain, and shall be chosen by the Assistant Chief of the Professional Standards Bureau based on their experience with crowd management.

Board review of crowd management will focus on command of the incident rather than the individual officer's application of force. The FRB will conduct timely, comprehensive, and reliable reviews of all facets of crowd management and will determine:

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- Whether decisions made concerning crowd management were consistent with policy and Department core principles.
- Whether the incident commander or scene commanders adequately documented their reasons for directing the use of force.
- Whether there were any tactical, training, equipment or staffing deficiencies.
- Whether any use of less lethal force during a crowd management event was properly authorized and executed.

The Board shall follow its normal procedures for voting, recording, and referral of findings as set forth in **8.500-POL-4**.

8.500-TSK-1 Use of Force – Selecting Random Cases For Full Board Review

When selecting random cases for full board review, the **FRU Captain (or designee)**:

1. **Produces** a list of all of the Type II cases that the FRU reviewed during the previous month
 - This list shall be numbered and ordered by event number, in descending order.
2. **Calculates** the number of cases that equal ten percent (x). If there are fewer than 10 cases reviewed in any month, one case shall be selected.
3. **Uses** the research randomizer (<http://www.randomizer.org>) to produce a set of numbers
4. **Takes** the first x numbers out of the set and assigns the corresponding cases for full board review

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- If any of the numbers in the set corresponds to a case that has already been referred to the full board, proceeds to the next number in the set until the x cases that have not already been referred are selected.

5. **Retains** a copy of the list of cases and the randomizer results

Example: If the FRU reviews 50 cases in a month, the captain shall prepare a list of all 50 cases. The list shall be ordered by event number, and numbered 1 – 50. X will be 5, as 5 is ten percent of 50. If the first 5 numbers in the set provided by the research randomizer are 24, 2, 19, 15 and 31, then the corresponding cases from the original list shall be referred to the full board. If 19 corresponds to a case that has already been referred to the full board, the captain shall select the next number in the set to get the necessary 5 cases.

8.500–TSK–2 Use of Force – Role of the Administrative Lieutenant

When assisting with the review of a Type II use-of-force investigation, the **administrative lieutenant**:

1. **Conducts** daytime follow-up for third watch cases

2. **Checks** force packet for completeness

- **Verifies** that all involved officer statements have been entered into the summary section of the officer's Blue Team

- If the statement cannot fit into Blue Team, includes as much as possible then **attaches** the entire statement to the case file.

- **Verifies** that all witness statements are attached

- **Verifies** that all supporting documentation is attached;

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- Fire run sheet
- Medical information
- Evidence pertaining to the use-of-force
- Hazard Reports (when required)

3. **Reviews** the sergeant's investigation to verify:

- Canvass for private video was completed
- All private video is attached (if possible, otherwise send to FRU and place original into Evidence)
- All information presented in the order defined by the Investigative Template
- Minor policy violations were addressed properly (Ensure PAS entries were made if not referred to OPA.)
- Serious policy violations as defined by 5.002 were referred to OPA
- Timeline

4. **Conducts** specific investigative tasks to complete the force investigation

- **Reviews** all video and creates a video log
- **Bookmarks** pertinent sections
- **Creates** a list of all officers on scene
- **Seeks** and documents an explanation for all officers who do not have video

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- **Creates** a list of relevant officers' video and brief explanation
- **Documents** ICV violations and forwards to OPA, as appropriate
- **Ensures** that case numbers have been entered on all videos
- **Identifies** and objectively presents the following elements:
 - Tactics
 - De-escalation
 - Force used
 - Mitigating steps taken, if appropriate
 - Transport: direct booking, hospital, AMR, seatbelts.
 - Any discrepancies in the statements addressed
- **Verifies** that photos have been submitted to DEMS under the correct case number (labeled with UOF-20XX-XXXXXX)
- **Conducts** basic quality assurance:
- **Verifies** that addresses of incident are consistent across all entries when multiple officers are involved
- **Ensures** that the correct Report number is used and in the proper format (20XX-XXXXXX)
- **Ensures** that only one involved employee is listed per Blue Team entry

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- **Ensures** that each involved officer has completed their own Blue Team entry
- **Ensures** that each involved officer lists the force he or she used and that the body diagram is complete
- If not, return it to the involved officer to correct.
- **Checks** on delays and works to resolve obstacles to the timely submission of the report
- **Ensures** that the type of investigation is properly classified for each involved officer and requests any necessary re-classifications, consistent with **8.500-POL-2(11)**
- For Type II incidents where the chain-of-command review will exceed 30 days, **requests** an extension from the bureau chief and documents it in Blue Team
- As appropriate, **recommends** re-classification of the incident, consistent with **8.500-POL-2(11)**
- **Coordinates** with the IAPro QA Unit to make adjustments to Blue Team entries, when needed

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14.090 - Crowd Management

Effective Date: 11/01/2018

14.090 – POL

It is the policy of the Seattle Police Department to facilitate free speech and assembly whenever possible, while preserving order and protecting persons and property. This manual section governs the Department's response to such events when transportation and public safety considerations are best served by a police presence.

1. The Department Uses the Incident Command System (ICS) for Crowd Management

When assigned, an Incident Commander will oversee the Department's response before, during and after an event.

- The Incident Commander may delegate authority and assignments.

2. The Incident Commander Will be a Sergeant or Above

- **Exception:** An officer can serve as Incident Commander until a sergeant can respond.
- A lieutenant will assume command when there are two sergeants and/or two squads involved in the event.
- A captain will assume command when there are two lieutenants involved in the event.
- For more information, see [Manual Section 1.020 – Chain of Command](#).

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3. As Far in Advance of the Incident as Possible, the Incident Commander Will Coordinate with the Appropriate Department Resources to Obtain Information to Assist with Operational Planning and Staffing

4. The Incident Commander May Consider Utilizing Specialty Units, Based on Operational Needs

In the event of an unplanned crowd management event, the Incident Commander shall request SWAT when feasible.

See [14.090-TSK-1](#) Responsibilities of the Incident Commander.

5. The Incident Commander Will Determine Minimum Staffing for Crowd Management Events

- The Incident Commander will base staffing levels on the projected number of event participants and any pre-event information indicating potential violence.
- The Incident Commander will develop contingency plans regarding staffing and tactics.
- When feasible, the Incident Commander will provide the staffing plan to the SPD Budget Section prior to the incident.

6. The Incident Commander Will Deliver Event Briefings Using a Standardized Format ([SPD ICS Briefing Format](#))

7. The Incident Commander Will Communicate Each Unit's Mission to That Unit's Supervisor or Commander

The involved unit's supervisor or commander **will develop the specific methods or tactics that will be used to accomplish the mission.** See 14.090-TSK-2 Responsibilities of the Supervisor.

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- The unit supervisor or commander will submit all unit plans to the Incident Commander, who will approve or modify the plans to accomplish the overall mission, with any modifications communicated back to the unit supervisor or commander.

8. The Incident Commander Retains Ultimate Responsibility for the Decisions of Subordinates

In order to fulfill this obligation, the Incident Commander will be available for on-scene consultation.

9. Crowd Dispersal

a. Upon Determining That There are Acts or Conduct Within a Group of Four or More Persons That Create a Substantial Risk of Causing Injury to Any Person or Substantial Harm to Property, the Incident Commander May Order That the Crowd Be Dispersed

See [SMC 12A.12.020](#)

Before ordering that the crowd be dispersed, the Incident Commander shall consider whether less restrictive means of crowd management are available. Such means may include strategies such as area denial and/or seeking voluntary compliance.

Upon determining that dispersal is appropriate, the Incident Commander shall ensure that there is an avenue of egress sufficient to allow the crowd to depart.

The Incident Commander or designee will issue the order to disperse prior to instructing officers to disperse the crowd, if feasible.

See [14.090-TSK-3](#) Issuing the Order to Disperse.

b. The Incident Commander Shall Have Authority to Direct the Use of Blast Balls and OC Spray to Disperse the Crowd (See Manual Section 8.300 – Use-of-Force Tools)

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A lieutenant may authorize the use of blast balls and OC spray to disperse a crowd if an immediate life safety emergency exists that requires this action be taken and there is insufficient time to obtain incident command approval.

- An immediate life safety emergency is an unplanned, dynamic situation where immediate police action is necessary to protect the officers' and/or the public's safety.

- Only personnel trained to deploy patrol CART tools (blast balls and OC spray) are authorized to carry and use these tools under the supervision of a CART-trained supervisor, unless otherwise directed by the Incident Commander.

When feasible, officers will not deploy blast balls and OC spray until a dispersal order has been issued to the crowd and the crowd has been given a reasonable amount of time to comply.

When feasible, officers shall avoid deploying blast balls and OC spray in the proximity of people who are not posing a risk to public safety or property.

The deployment of blast balls away from people (i.e. a "bang out") is reported and investigated as Type I force. Deployments in the vicinity of people may be categorized as Type II or Type III force, depending upon the circumstances of the deployment and the resulting injury. (See Manual Section 8.400 regarding force classification.)

c. Each Precinct Will Maintain a Supply of Blast Balls and OC Spray

Each precinct will maintain a log of the serial number of each blast ball in its supply. Blast balls will be issued, by serial number, to specific officers as needed. Officers will be responsible for each blast ball that they are issued. Officers will return unused blast balls after the event, and will provide the event number related to any deployments.

After a crowd management event, the Department blast ball coordinator will be responsible for ensuring that the precinct log is reviewed to verify whether all deployed blast balls were reported.

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d. The Incident Commander Will Deploy Department Personnel to Accomplish Specific Tactical Objectives Consistent with ICS

10. Officers May Make Individual Decisions to Deploy OC Spray, and Blast Balls Consistent with Title 8 – Use-of-Force

The authorized use of OC in crowd management situations involving violent activity shall have as a primary objective at least one of the following:

- Defend oneself
- Defend someone else
- Prevent significant destruction of property

a. OC Will be Directed at the Specific Suspect(s) who are Posing a Threat

When feasible, officers shall issue a verbal warning to the suspect(s), other officers, and other individuals present, that OC spray will be used. When feasible, officers will wait a reasonable amount of time to allow the suspect(s) to comply with the warning before using OC spray.

Officers deploying OC will attempt to limit collateral exposure to non-involved parties.

- If there is probable cause to arrest for a crime, it is a priority for officers to arrest individuals against whom OC has been deployed.

b. Officers Will Provide Aid to Subjects Exposed to OC and/or Blast Balls, if Feasible

Officers will request medical response or assistance for subjects exposed to OC when they complain of continued effects after having been decontaminated, or they indicate that they have a pre-existing medical condition (e.g. asthma, emphysema, bronchitis, heart ailment, etc) that may be aggravated by OC.

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Officers will request medical response or assistance for subjects who appear to have been injured by a blast ball or who complain of pain or injury from having been struck by a blast ball.

11. Incident Commanders and Officers Must Document Uses of Force

- The Incident Commander authorizing the use of **less-lethal tools** must justify that decision in a Use-of-Force Report, with a copy submitted to the relevant Bureau Commander in addition to the normal routing.
- Officers shall individually justify and document all reportable uses of force consistent with **Manual Section 8.400 - Use-of-Force Reporting and Investigation**.

12. Following the Event, Sergeants and Incident Commanders Will Conduct a Day-of-Event Debrief

- Sergeants will conduct a debriefing of their assigned officers and document any observations or suggestions on an Event Debrief Form (form 23.5).
- Sergeants and the Incident Command staff will then have a separate debrief to discuss the following subjects:
 - Event staffing
 - Deployment
 - Command issues
 - Communication issues
 - Logistical issues
 - Use of less-lethal tools

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- Areas of success
- Areas for improvement

13. Incident Commander Will Complete an After-Action Report (See: 14.010-After-Action Reports)

14. Uses of Force that Occur During the Course of Crowd Management Are Reviewed in Accordance with Manual Section 8.500-POL-6.

14.090–TSK–1 Responsibilities of the Incident Commander

During the course of managing a crowd, the Incident Commander:

1. If feasible, **contacts** the event organizer to discuss the Department response

2. **Develops** contingency plan regarding staffing and **tactics**

- SPD task force callout criteria

- Mutual aid callout criteria

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3. **Considers** utilizing specialty units

- Bicycle units for marches or mobile protests
- Officers on foot for static events, or to function as arrest teams or bicycle unit support for marches or mobile protests
- **Mounted patrol** for static events, marches or mobile protests
- Video Unit for events where information indicates that civil disobedience or crowd violence will occur (Recordings must be in compliance with [SMC 14.12 – Collection of Information for Law Enforcement Purposes.](#))
- Special Weapons and Tactics (SWAT) officers to use less-lethal launchers and tools that are approved for use solely by the SWAT team
- CART-trained officers when there is insufficient time to deploy SWAT
- Prisoner processing for events where information indicates civil disobedience or crowd violence will occur
- Intelligence Unit resources when there is a need for ongoing information gathering and dissemination during the event
- SPOC for planning and logistical support

4. **Provides** a staffing plan to the SPD Budget Section, if feasible

5. **Communicates** each unit's mission to the relevant supervisor or commander

a. **Instructs** the supervisor or commander to develop and provide plans

b. **Approves** unit plans

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6. **Briefs** officers and supervisors using the SPD ICS briefing format
7. **Remains** available for on-scene consultation
8. Debriefs supervisors and commanders following the event
 - a. **Collects** Event Debrief Forms from the supervisors
9. **Completes** an After-Action Report consistent with the requirements of Manual Section **14.010 – After-Action Reports**
 - b. **Routes** the After-Action Report and Event Debrief Forms to the Patrol Operations Bureau Commander, via the chain of command

14.090–TSK–2 Responsibilities of the Supervisor

The supervisor:

1. **Develops** methods or tactics that will be used to accomplish the mission, as directed by the Incident Commander
 - a. **Submits** plans to the Incident Commander
2. **Debriefs** assigned officers after the incident
3. **Documents** observations and suggestions on an Event Debrief Form (form 23.5)
 - a. **Submits** Event Debrief Forms to Incident Commander
4. **Attends** separate debrief with Incident Commander

14.090–TSK–3 Issuing the Order to Disperse

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Upon determining that the crowd presents an imminent risk to public safety or that large-scale property destruction appears likely, the Incident Commander, as feasible:

1. **Considers** placing officers at the rear of the crowd to verify that the order to disperse will be heard by all

2. **Issues** the following order:

"I am (rank and name) of the Seattle Police Department. I am now issuing a public safety order to disperse and I command all those assembled at (specific location) to immediately disperse, which means leave this area. If you do not do so, you may be arrested or subject to other police action. Other police action could include the use of chemical agents or less-lethal munitions, which may inflict significant pain or result in serious injury. If you remain in the area just described, regardless of your purpose, you will be in violation of city and state law. The following routes of dispersal are available: (routes). You have (reasonable amount of time) minutes to disperse."

3. **Allows** a reasonable amount of time for the crowd to disperse

4. **Repeats** the order to disperse, if feasible

5. **Continually assesses** the balance of dispersal time and the goal of retaining control of the situation

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16.110 - Crisis Intervention

Effective Date: 08/01/2019

16.110 – POL

The intent of this policy is to provide all officers with **resources** to deal with subjects who are in behavioral crisis. This includes people exhibiting signs of mental illness, as well as people living with substance use disorder and those experiencing personal crises.

For the purposes of this policy, a behavioral health crisis is defined as an episode of mental and/or emotional distress in a person that is creating significant or repeated disturbances and is considered disruptive by the community, friends, family or the person themselves.

For further guidance, see 16.110-POL-3.2 (for CIT-Certified Officers), POL-5.1 (for non-CIT-Certified Officers), POL-5.2 (for Communications personnel), and POL-5.9 (for documentation).

The Seattle Police Department recognizes the need to bring community resources together for the purpose of safety and to assist and resolve behavioral crisis issues. The Department further recognizes that many people suffer crises, and that only a small percentage have committed crimes or qualify for an involuntary evaluation. Persons suffering crises will be treated with dignity and will be given access to the same law enforcement, government and community service provided to all members of the public.

Seattle Police officers are instructed to consider the crises that subjects may be experiencing during all encounters. Officers must recognize that subjects may require law enforcement assistance and access to community mental health and substance abuse resources. The ideal resolution for a crisis incident is that the subject is connected with resources that can provide long-term stabilizing support.

Officers are trusted to use their best judgment during behavioral crisis incidents, and the Department recognizes that individual officers will apply their unique set of education,

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training and experience when handling crisis intervention. The Department acknowledges that officers are not mental health professionals. Officers are not expected to diagnose a subject with a mental illness, nor are they expected to counsel a distraught subject into composure. When officers need to engage with a subject in behavioral crisis, the Department's expectation is that they will attempt to de-escalate the situation, when safe and feasible. The purpose of de-escalation is to provide the opportunity to refer the subject to the appropriate services. This expectation does not restrict an officer's discretion to make an arrest when probable cause exists, nor are officers expected to attempt de-escalation when faced with an imminent safety risk that requires immediate response. An officer's use of de-escalation will be judged by the standard of objective reasonableness, from the perspective of a reasonable officer's perceptions at the time of the incident.

16.110-POL-1 Crisis Intervention Committee (CIC)

1. CIC is a Community and Regional Partnership

The purpose of the CIC is to build an effective regional crisis incident response built upon best practices, innovation and experience. The CIC works in cooperation with the Department to make sure that crisis intervention training and policies are consistent with legal standards, best practices and community expectations. The intent is to include representatives of entities that can assist the Department in achieving the purpose of the CIC. These entities will come from several categories: city and county government (including law enforcement agencies and line patrol officers), mental health professionals and advocates, academia, and others deemed appropriate.

2. CIC Works Collaboratively with the Department to Advise on Crisis Intervention Training and Policies

The CIC has five specific tasks:

- Evaluate SPD's overall CIT program, study national models, and make recommendations on whether SPD should modify the structure and design of its crisis intervention program

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- Develop a checklist of resources available to refer individuals in crisis
- Review and validate the Department's CIT training
- Develop policy and procedures for the disposition or voluntary referral of individuals to jails, receiving facilities and local mental health and/or social service agencies that clearly describe the roles and responsibilities of those entities and of the SPD CIT-Certified officers in the process
- Enhance community connections with advocates and social service professionals, as well as provide for a seamless system of care for persons in crisis

16.110-POL-2 CIT Program

1. CIT Program is Responsible for Implementing and Sustaining Department's Response to Subjects in Behavioral Crisis

The CIT (Crisis Intervention Team) program is responsible for working with community partners to establish and sustain the Department's response to subjects in behavioral crisis. This includes the Department's response involving both CIT-Certified officers and officers who are not CIT-Certified, the Crisis Response Unit (CRU,) and the CIT Coordinator.

2. CIT Commander Oversees CIT Program

The CIT Commander provides command-level oversight for the CIT Program and reports directly to the Collaborative Policing Bureau Chief. Leadership, planning and problem solving skills are essential attributes for the CIT Commander. The CIT Commander supervises two sergeants: the CRU Sergeant and the CIT Coordinator.

The CIT Commander examines, reviews, and makes recommendations to ensure the CIT program is implemented and sustained as a community program. The CIT Commander is the Department's command-level representative on the Crisis Intervention Committee (CIC) and will ensure their input about the CIT program is addressed. The CIT

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Commander will meet with law enforcement leadership, review and make recommendations to Department CIT policy and procedures, and be responsible to develop and review CIT training. The CIT Commander will monitor and remain familiar with state commitment laws; transportation policies; and state, county, and local issues that may affect community crisis services. The CIT Commander will maintain familiarity with CIT grant requirements at the federal, state, and county level. The CIT Commander will assist with developing the data collecting program and will present the data outcome measures to Department leadership and the CIC. The CIT Commander will also oversee the internal and external methods of CIT-related communication.

3. CIT Coordinator is Responsible for Implementing and Sustaining CIT Program

The CIT Coordinator is responsible for the day-to-day operations of the CIT program. At the direction of the CIT Commander, the CIT Coordinator ensures that the CIT program is implemented and sustained as a community program. The CIT Coordinator serves as a community liaison and is the primary point of contact for the program, both for law enforcement and other community partnerships to the residents of Seattle.

At the direction of and in coordination with the CIT Commander, the CIT Coordinator will develop agendas for and participate in the CIC meetings. The CIT Coordinator will coordinate the CIT program's response to feedback from patrol officers and community partners. Operational issues raised will be addressed through problem-solving efforts by the CIT Coordinator. The CIT Coordinator will participate in developing and providing CIT training to sustain the CIT program at both the Department and state levels.

Officers may contact the CIT Coordinator at [SPD CIT Coordinator@seattle.gov](mailto:SPD_CIT_Coordinator@seattle.gov) with any questions and/or feedback.

In their respective roles, the CIT Commander and the CIT Coordinator will work closely with patrol, detectives, the Professional Standards Section, the Education & Training Section, Command Staff, Crisis Intervention Committee, community partners, mental health providers and advocates, academia, WSCJTC, the courts, and others involved in providing crisis response.

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16.110-POL-3 CIT- Certified Officers

1. CIT- Certified Officers Undergo Specific Training

All SPD officers will receive 8 hours of crisis intervention training annually. To be considered "CIT- Certified," officers are required to successfully pass a 40-hour initial comprehensive CIT training via WSCJTC and eight hours of annual CIT-specific in-service training thereafter.

2. CIT- Certified Officers Will Take the Lead, When Appropriate, In Interacting with Subjects in Behavioral Crisis

3. The Department Will Ensure That CIT- Certified Officers Are Available on All Shifts

16.110-POL-4 Crisis Response Unit (CRU)

1. CRU is a Unit of the Collaborative Policing Bureau

The Crisis Response Unit is distinct from officers who are CIT-Certified and assigned to other units (See 16.110-POL-3).

2. CRU has Two Areas of Focus: The Crisis Response Team (CRT) Responds to Incidents in the Field and the Crisis Follow-Up Team (CFT) has Follow-Up Responsibility for Incidents Involving Subjects in Crisis

CRT Units primarily respond to in-progress calls, when available, in an effort to support Patrol, and conduct outreach with identified individuals. They also are available to respond, at the request of the incident commander, to critical incidents that involve subjects who are in extreme states of behavioral crisis.

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CFT follows-up on cases involving behavioral crisis through intervention at the lowest-level, least-intrusive intercept point, in order to prevent and reduce harm. CFT works to gain a subject's behavioral self-control through engagement with treatment.

a. CFT Utilizes an Intercept Continuum

1. Harmless symptomatic behavior

- Non-criminal: Provide contact information for obtaining services/treatment
- Criminal: Verbal warning

2. Indication of mental-health needs

- Non-criminal: Refer to appropriate service partner for outreach
- Criminal: Document crime, warn

3. Indication of urgent mental-health needs

- Non-criminal: Contact subject's case manager, CRT outreach, transport to voluntary services
- Criminal: Document crime, warn

4. Imminent risk of serious harm to self, others or property

- Non-criminal: Emergent detention, involuntary transport to hospital
- Criminal: Request charges through Mental Health Court or refer to CSC

5. Escalation of harmful symptomatic behavior

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- Non-criminal: Coordinate with DCRs, commit for involuntary treatment

- Criminal: Arrest and booking with referral to Mental Health Court

6. Escalated risk of serious harm to others, resistant to all other interventions

- Non-criminal: Coordinate with DCRs, commit for involuntary treatment

- Criminal: Arrest and booking

b. CFT Utilizes a Descending Scale of Urgency When Prioritizing Cases

1. Imminent risk of serious harm

- Subject is out of custody or possible release following serious incident, danger to public or victims.

2. Pattern of escalation

- Subject has been involved in a series of incidents indicating decompensation or decline in behavioral self-control, which constitutes an increased risk of serious harm to self or others.

3. High utilization of police resources

- Subject has made or been the reason for frequent, unfounded calls which unreasonably exploit patrol resources.

4. Request from officers or service provider

- A patrol officer or service provider requests CIT assistance for problem-solving

RED HIGHLIGHTS INDICATE WHAT NEEDS TO BE DELETED AND TO A LESSER EXTENT MODIFIED.

YELLOW HIGHLIGHTS ARE SIMPLY TO INDICATE CRUCIAL AREAS IMPACTED BY ORDINANCE.

3. When a Subject Attempts or Threatens Suicide, the CRU Sergeant is Responsible for Follow-Up to Ensure That the Subject is Directed to the Appropriate Resources, in Accordance with RCW 71.05.457

16.110-POL-5 Responding to Subjects in Behavioral Crisis

1. Upon Encountering a Subject in Any Type of Behavioral Crisis During Any Type of Incident (On-View or Dispatched), Officers Shall Make Reasonable Efforts to Request the Assistance of CIT-Certified Officers

2. Communications Shall Dispatch at Least One CIT-Certified Officer to Each Call That Appears to Involve a Subject in Behavioral Crisis

If circumstances dictate that there is not a CIT-Certified officer available to respond to a call that appears to involve a subject in behavioral crisis, non-CIT- Certified officers shall be dispatched to handle the call and a CIT-Certified officer shall respond as soon as possible.

- Calls that appear to involve a subject in behavioral crisis shall be dispatched in accordance with communications center protocol, even when a CIT-Certified Officer is not available.

CIT-Certified Officers will take the lead, when appropriate, in interacting with subjects in behavioral crisis. If a Sergeant or above has assumed responsibility for the scene, he or she will seek the input of CIT-Certified Officers on strategies for resolving the crisis event when it is reasonable and practical to do so.

- CIT-Certified officers are not obligated to serve as the primary officer during incidents that involve a subject in behavioral crisis. Unless a Sergeant or above approves another arrangement, the primary officer (as designated by dispatch / beat assignment) shall handle the necessary paperwork and provide Communications with the final call disposition.

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a. Where feasible, a Sergeant and at Least Two Officers Shall Respond to High-Risk Suicide Calls

A high-risk suicide call is one where the likelihood of suicide is imminent, and the subject may be armed with a weapon or may be barricaded.

If, during the course of an incident, an officer determines that a subject meets the above criteria, he or she shall advise dispatch and request a sergeant and back-up if said personnel are not already en route.

3. Officers May Call Crisis Connections to Connect with the On-Duty Designated Crisis Responder (DCR) During any Incident Involving a Subject in Behavioral Crisis

Officers may call Crisis Connection for an on-site evaluation by the on-duty Designated Crisis Responder (DCR).

- When communicating with a DCR, the officer:
- Calls (206) 263-9202
- If the incident requires immediate action, Officers may take the subject into protective custody and arrange for a transport to the nearest appropriate hospital. See 16.110–PRO–2 Involuntary Mental Health Evaluation.

a. Officers Are Encouraged to Call Crisis Connections When Contacting Subjects Who Are in a Behavioral Crisis but Are Not Going to Be Referred for Involuntary Mental Health Evaluation or Criminal Charges

Crisis Connections is the resource through which officers can be referred to the available resources that are located throughout the region.

Crisis Connections can be reached at (206) 461-3210 ext. 1

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See 16.110–PRO–5 Contacting Subjects Who are in a Behavioral Crisis but are Not Going to Be Referred for Involuntary Mental Health Evaluation or Criminal Charges.

4. Officers May Refer Eligible Subjects with Mental Illness and/or Substance Use Disorders to the Crisis Solutions Center (CSC) or Crisis Diversion Facility (CDF)

See 16.110–PRO–4 Referring a Subject to CSC/CDF. Voluntary referrals may take place:

- As part of an officer's community caretaking function, or
- During a Terry stop, or
- When an officer has probable cause to believe that an individual has committed one of the following eligible offenses:
 - Alcohol in a Park
 - Criminal Possession of Marijuana (>28 grams by an adult)
 - Criminal Trespass I and II
 - Disorderly Conduct
 - DWLS 3
 - Drug Traffic Loitering
 - Failure to Obey
 - False Reporting

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- Misuse of the 911 System
- NVOL
- Obstructing a Public Officer
- Possession of a Fraudulent Driver License
- Property Damage/Malicious Mischief
- Prostitution
- Prostitution Loitering
- Theft 3
- Theft of Rental Property
- Unlawful Bus Conduct
- Unlawful Issuance of Bank Checks
- Use of Drug Paraphernalia
- VUCSA: Possession of Legend Drugs (Prescription Drugs without Proper Prescription)
- VUCSA: Simple Possession of Cocaine < 1 gram
- VUCSA: Simple Possession of Heroin < 1 gram
- VUCSA: Simple Possession of Methamphetamine < 1 gram

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a. Certain Subjects are not Eligible for CSC/CDF Referral

Individuals who meet at least one of the following criteria are not eligible for CSC/CDF referral:

- Suffer from an acute mental health crisis which meets the criteria for a mental health evaluation under RCW 71.05.153
- Require medical treatment
- Have an active and extraditable criminal warrant
- Violent offender status in the past ten years
- Sex offender status in the past ten years
- Juveniles (under 18)

b. Officers Shall Notify Potential Crime Victim(s) of the Diversion Option

Officers shall consider any strong opposition presented by the potential crime victim(s) when determining whether to make the referral. This does not negate officer discretion.

c. Officers Shall Inform Subjects that Referral is Voluntary

5. Officers May Facilitate Voluntary Mental Health Hospitalizations

Officers shall document officer-facilitated voluntary mental health hospitalization. See 16.110–TSK–1 Voluntary Mental Health Hospitalization.

6. Officers May Facilitate Involuntary Mental Health Evaluations

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See 16.110– PRO–2 Referring a Subject for an Involuntary Mental Health Evaluation.

7. Officers Shall Complete the Emergent Evaluation Card When Referring a Subject in Behavioral Crisis to a Hospital, Whether for Voluntary or Involuntary Evaluation

8. Officers May Take a Subject into Custody Based on a Written or Verbal Order from a DCR

When feasible, sergeants respond to screen DCR requests and consider if:

- The subject is likely to resist custody,
- The subject is barricaded,
- The subject has a history of violence or weapons, or
- Forced entry is necessary

See 16.110–PRO–3 Taking a Subject into Custody by Order or Verbal/Written Request of a DCR.

*NOTE – A court order for detention or verbal order from a DCR does not grant legal authority to enter a constitutionally protected area. An order may add to the overall exigency of a incident, but should not be used as the only motivator to force entry into a protected area.

9. Officers Shall Document All Contacts With Subjects Who are in Any Type of Behavioral Crisis

Officers will use a Report for all hospitalizations – voluntary and involuntary – and for all calls where the subject attempts or threatens suicide. These reports are routed to CRU.

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For all other behavioral crisis calls or contacts, officers will document the contact by using either a Report or a Behavioral Crisis Card.

a. Officers Shall Use the Behavioral Crisis Card for Every Incident Involving a Person in Behavioral Crisis

Officers must complete the Behavioral Crisis Card as thoroughly as possible. Only fields that do not apply to the specific incident may be left blank.

b. Officers Shall Document All Suicide Attempts or Threats on a GO Report Routed to the CRU, in Accordance with RCW 71.05.457

Officers shall document all suicide attempts or threats, regardless of how vague they are, on the Report and list "suicide attempt" or "suicide threat," as appropriate, in the NIBRS offense category. This will ensure that CRU can follow-up on the incident.

Behavioral Crisis Cards are located here in Mark43:

10. There Are Five Options for Resolving Behavioral Crisis-Related Misdemeanor Property Crimes

- Investigate and release with routing to CRU for follow-up
- Referral to the Crisis Solutions Center (See policy statement 4 and 16.110-PRO-4 Referring a Subject to CSC/CDF)
- Investigate and release with a request for charges through Seattle Municipal Mental Health Court (MHC)
- Jail booking with MHC flag

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- Investigate and detain for a mental health evaluation, with a request for charges through Seattle Municipal Mental Health Court (MHC)

11. When an Officer has Made the Decision to Book a Felony Suspect into Jail, the Suspect Shall Not Be Diverted for a Mental Health Evaluation

Exceptions must be screened by the CRU sergeant.

If the jail refuses to accept a suspect due to a behavioral crisis, officers shall have the suspect sent to the hospital.

12. CRU Triage Cases for Follow-Up

See 16.110-POL-4.2.b.

13. SPD Collects and Analyzes Data

The Department's intent with collecting data is two-fold:

- To collect data based on the capabilities of existing and future software, and
- To evaluate the overall CIT program

a. There Are Five Components That Are Analyzed to Answer Key Questions

Communication procedures

- Ensure that communications procedures are effective in appropriately identifying people in behavioral crisis.

CIT-Certified officers

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- Ensure that CIT-Certified officers are effective in responding to incidents involving people in behavioral crisis.

Crisis Response Unit

- Ensure that the CRU is effective in terms of improving efficiency of police response to and the resolution of incidents involving people in behavioral crisis.
- Are subjects getting the services they need?
- Are call volume and patrol workload being reduced?

CIT curriculum

- Ensure that the CIT curriculum is delivering in terms of its intended goals and learning outcomes.

SPD culture

- Determine how each aspect of the CIT program is viewed within the SPD culture.
- Training
- Response
- Follow-up

16.110–PRO–1 Referring a Subject for an Involuntary Mental Health Evaluation

Officer

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1. **Determines** that the subject may be eligible for evaluation
2. **Determines** (with or without the assistance of a DCR) that the subject meets the involuntary mental health evaluation criteria, per RCW 71.05.153(2): Emergent Detention of Persons with Mental Disorders
3. **Screens** the incident with a sergeant, either at the scene or telephonically

Sergeant

4. **Reviews** the incident and advises the officer whether to order the evaluation

Officer

5. **Takes** the subject into protective custody
6. **Arranges** for the subject to be transported via ambulance or patrol car to the closest appropriate hospital
7. **Completes** the Emergent Evaluation Card
8. **Provides** the Emergent Evaluation Card to the ambulance driver or hospital social worker
9. **Completes** a Report with the Behavioral Crisis Card
 - a. **Lists** "Crisis," "Suicide Attempt," or "Suicide Threat" in the incident block, in addition to any offenses that were committed
 - b. **Describes** the circumstances of the incident and the disposition of the subject

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c. **Includes** witness information

Sergeant

10. **Applies** investigative unit label to route the Report

11. **Approves** Report

Data Center

12. If the hospital requests a copy of the Report, **faxes** the report to the hospital

16.110–PRO–2 Taking a Subject into Custody by Order or Verbal/Written Request of a Designated Crisis Responder (DCR)

Communications Section

1. **Receives** request from a DCR for officers to assist with field evaluation, an emergent detention, or service of a court order
2. **Obtains** the full name, date of birth, and location of the subject being taken into custody
3. **Runs** the subject's name and determines if any officer safety hazards apply
4. **Advises** the nearest patrol sector sergeant of the DCR request and any officer safety information regarding the name or address of the subject

Sergeant

5. **Determines** appropriate Department response

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5a. **Approves** patrol response

Communications Section

6. **Dispatches** two officers and when feasible, the approving sergeant to the call

6a. **Dispatches** at least one CIT-Certified officer, if one is available

Sergeant

7. **Verifies** the DCR court order, or verbal/written DCR request to take the subject into custody

8. **Screens** the incident before taking the subject into custody or entering if:

- The subject is likely to resist custody,
- The subject is barricaded,
- The subject has a history of violence or weapons, or
- Forced entry is necessary

9. If necessary, **consults** with the CRU sergeant or a CIT-Certified sergeant via Communications

Officer

10. **Arranges** for the subject to be transported via ambulance or patrol car to the closest appropriate hospital, or the hospital requested by the DCR

11. **Completes** a Report with the Behavioral Crisis Card

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11a. **Lists** "Crisis" in the incident block, in addition to any offenses that were committed

11b. **Describes** the circumstances of the incident and the disposition of the subject

11c. **Includes** witness information

Sergeant

12. **Applies** investigative unit label to route the Report

13. **Approves** Report

Data Center

14. If the DCR requests a copy of the Report, **faxes** the report to the DCR

16.110–PRO–3 Referring a Subject to CSC/CDF

Officer

1. **Conducts** a complete investigation

a. **Checks** subject's name through WACIC and FORS for excluding factors:

- Warrants

- Violent offense conviction within the past 10 years

- Sex offender status within the past 10 years

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- Juvenile (Under 18)

b. **Assesses** subject's imminent danger of serious harm to self, others, or property; or grave disability

c. **Identifies** elements of crime, if any

2. **Determines** that the subject is appropriate for CSC/CDF referral (See 16.110-POL-5.4a)

3. **Notifies** potential crime victim(s) of the diversion option

a. **Considers** any objection to diversion

4. **Asks** the subject if he or she is interested in being referred to CSC/CDF

a. **Emphasizes** that referral is voluntary

b. If the subject does not want to be referred and arrest is possible, **considers** making the arrest

5. **Screens** incident with sergeant (either in-person or telephonically, unless this Manual requires an in-person screening, i.e., Type II force, if:

- The subject was handcuffed

- The subject was placed under arrest

- The officer will be transporting the subject to CSC/CDF

- There was a use of reportable force

- The officer is unsure as to if the subject meets the intake criteria

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- The officer will be diverting the subject to CSC/CDF instead of KCJ

6. **Advises** Communications to contact the CSC, or contacts the CSC via phone (206) 682-2371 to screen for availability

7. **Arranges** for transport to CSC, either in a patrol car or the Mobile Crisis Team (MCT) vehicle

- If the subject is being referred to CSC/CDF instead of jail, it is preferable, but not necessary, for an officer to make the transport

8. **Completes** a Report including an Arrest Report and a Behavioral Crisis Card

- **Documents** the incident, including witnesses and victims

- **Describes** elements of crime, if applicable

- **Confirms** that no disqualifying criteria exist

- On the Behavioral Crisis Card, **Selects** "CSC/CDF (Crisis Solutions Center/ Crisis Diversion Facility) and Arrested" from the "Crisis Disposition" box

- On the Arrest Card, **Selects** "CSC/CDF (Crisis Solutions Center/ Crisis Diversion Facility) under the Arrest T

9. **Lists** "Crisis," in the incident block

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Sergeant

10.-**Applies** investigative unit label to route the Report

11. **Approves** Report

16.110–PRO-4 Contacting Subjects Who are in a Behavioral Crisis but Who Do Not Qualify to be Referred to the Crisis Solutions Center, Referred for Involuntary Mental Health Evaluation, or Booked for Criminal Charges

When contacting subjects who are in a behavioral crisis but who do not qualify to be referred for involuntary mental health evaluation or criminal charges:

Officer

1. **Contacts** the Crisis Connections Supervisor at (206) 461-3210 ext. 1
2. **Obtains** case management history, as applicable
3. **Obtains** contact information for the case manager, as applicable
4. **Contacts** the case manager (or after-hours staff) to advise of police contact, if feasible
5. **Completes** a Report with the Behavioral Crisis Card, routed to CRU. (All behavioral crisis contacts, must be documented consistent with 16.110-POL-5.9).
6. **Lists** "Crisis," "Suicide Attempt," or "Suicide Threat" in the incident block

Sergeant

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7. **Applies** Investigative Unit Label to route the report

8. **Approves** Report

CRU Sergeant

9. If the subject threatened suicide, even flippantly, **follows-up** to ensure that he or she is directed to the appropriate resources.

16.110-TSK-1 Voluntary Mental Health Hospitalization

When facilitating a voluntary mental health hospitalization, the officer:

1. **Receives** request from a subject for voluntary mental health hospitalization
2. **Arranges** for the subject to be transported via ambulance to the closest appropriate hospital
3. **Completes** the Emergent Evaluation Card
4. **Provides** the Emergent Evaluation Card to the ambulance driver
5. **Completes** a Report with the Behavioral Crisis Card
 - a. **Lists** "Crisis," "Suicide Threat," or "Suicide Attempt" in the incident block
 - b. **Describes** the circumstances of the incident and the disposition of the subject

16.110-TSK-2 Requesting AMR for Transportation

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When requesting AMR for transportation to a local hospital, the officer:

1. **Requests** the AMR transport through either the zone dispatcher or the Data Channel
2. When making the request, **discloses** the nature (crisis or behaviorally out of control subject) of the incident as well as the desired transportation destination
3. If applicable, **reports** if the person to be transported is wheelchair bound.
 - a. If the person to be transported is bound by a wheelchair, **reports** if it is a folding chair or electric.